ered: Hearing on House Joint Resolution 389, distribution and sale of motor vehicles.

There will be a meeting of Mr. MALONEY's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, December 16, 1937. Business to be considered: Hearing on S. 1261, through-routes bill.

There will be a meeting of Mr. MARTIN's subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, January 4, 1938. Business to be considered: Hearing on sales-tax bills, H. R. 4722 and H. R. 4214.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, January 11, 1938. Business to be considered: Hearing on S. 69, train-lengths bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

890. A letter from the Secretary of Agriculture, transmitting a draft of legislation relative to appropriations for the year 1939 for Federal-aid highways, secondary or feeder roads, elimination of grade crossings, forest highways, roads, and trails, and public-land highways; to the Committee on Roads.

891. A letter from the Acting Secretary of the Navy, transmitting the bill (S. 2629) to authorize an exchange of lands between the city of San Diego, Calif., and the United States, with a proposed amendment thereto; to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Minnesota: A bill (H. R. 8698) to promote efficiency, progress, peace, and fair competition in business and industry; to establish fair standards of wages, employment, and conditions and periods of employment; to reward compliance and penalize noncompliance with fair labor standards; to provide for maximum local autonomy in relations between employers and employees; and for other purposes; to the Committee on Labor.

By Mr. HARLAN: A bill (H. R. 8699) to prohibit the interstate transportation of goods, wares, and merchandise in certain cases; to the Committee on Labor.

By Mr. KING: A bill (H. R. 8700) relating to the retirement of the justices of the Supreme Court of the Territory of Hawaii, judges of the circuit courts of the Territory of Hawaii, and judges of the United States District Court for the Territory of Hawaii; to the Committee on the Judiciary.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 8701) relating to the tribal and individual affairs of the Osage Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. LAMNECK: A bill (H. R. 8702) to extend the act of December 17, 1919, granting gratuities to dependents of members of the Regular Army dying from wounds or disease to certain Air Corps Reserve Officers, United States Army; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOEHNE: A bill (H. R. 8703) for the relief of Earle Embrey; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 8704) for the relief of the estate of Lillie Liston; to the Committee on Claims.

Also, a bill (H. R. 8705) for the relief of Mr. and Mrs. B. W. Trent; to the Committee on Claims.

By Mr. EBERHARTER: A bill (H. R. 8706) for the relief of Robert John Williams; to the Committee on Military Affairs.

By Mr. LEWIS of Maryland: A bill (H. R. 8707) for the relief of Grace S. Taylor; to the Committee on Claims.

By Mr. POLK: A bill (H. R. 8708) granting a pension to Blanche Acton; to the Committee on Invalid Pensions.

By Mr. SCRUGHAM: A bill (H. R. 8709) to provide for the payment of war-risk insurance to the dependents of officers and enlisted men who lost their lives at the time the U. S. S. *Lakemoor* was torpedoed and sunk on April 11, 1918; to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 8710) granting a pension to Laura Murray; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3605. By Mr. WELCH: Resolution passed by the City Council of Redding, Calif., requesting the work on the Shasta Dam; to the Committee on Irrigation and Reclamation.

3606. By the SPEAKER: Petition of the Mobile Chamber of Commerce, Mobile, Ala., petitioning consideration of their resolution with reference to labor, dated December 9, 1937; to the Committee on Labor.

3607. Also, petition of the United Federal Workers of America, petitioning consideration of House bill 8431; to the Committee on the Civil Service.

3608. By Mr. LUTHER A. JOHNSON: Petition of Hon. James V. Allred, Governor of Texas, and Hon. George H. Sheppard, comptroller of public accounts of Texas, favoring House bill 8045, authorizing the Post Office Department to cooperate with the States in the collection of State cigarette and tobacco taxes; to the Committee on the Post Office and Post Roads.

3609. By Mr. KEOGH: Petition of the Merchants' Association of New York, concerning the undistributed-profits tax; to the Committee on Ways and Means.

3610. By Mr. COLDEN: Petition of 134 residents of San Pedro, Calif., and vicinity, protesting the levying of any excise or processing tax on wheat; to the Committee on Ways and Means.

3611. Also, resolution adopted by the Board of Supervisors of Los Angeles County, Calif., December 7, 1937, urging upon the Banking and Currency Committees of the House and Senate, respectively, to report out for action at this special session the proposed amendments to the National Housing Act now before Congress; to the Committee on Banking and Currency.

3612. By Mr. SWOPE: Petition of D. A. Robinson and 25 other citizens of Dauphin County, Pa., protesting against the levying of any excise or processing taxes on primary food products; to the Committee on Ways and Means.

3613. By Mr. POLK: Petition of Mayor Joseph L. Kountz, Vice Mayor John M. Salladay, J. Frank Bickett, Charles F. Schirrman, Albert H. Weghorst, councilmen for the city of Portsmouth, and submitted by City Clerk Evangeline Justice, urging the President and the Congress of the United States to use their offices and efforts to speed financing and construction of the flood defenses for the city of Portsmouth, Scioto County, Ohio; to the Committee on Flood Control.

3614. By the SPEAKER: Memorial of the Attorney General enclosing copies of House joint memorials, Senate joint memorials, and House memorials, relating to Territorial legislation; to the Committee on the Territories.

SENATE

WEDNESDAY, DECEMBER 15, 1937

(Legislative day of Tuesday, November 16, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, December 14, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	King	Pope
Andrews	Dieterich	La Follette	Radcliffe
Ashurst	Donahey	Lee	Reynolds
Austin	Duffy	Lodge	Russell
Bailey	Ellender	Logan	Schwartz
Bankhead	Frazier	Lonergan	Schwellenbach
Barkley	George	Lundeen	Sheppard
Bilbo	Gerry	McAdoo	Shipstead
Bone	Gibson	McCarran	Smathers
Borah	Gillette	McGill	Smith
Bridges	Glass	McKellar	Steiwer
Brown, Mich.	Graves	McNary	Thomas, Okla.
Brown, N. H.	Green	Maloney	Thomas, Utah
Bulkley	Guffey	Miller	Townsend
Bulow	Hale	Minton	Truman
Burke	Harrison	Moore	Tydings
Byrd	Hatch	Murray	Vandenberg
Byrnes	Hayden	Neely	Van Nuys
Capper	Herring	Norris	Wagner
Caraway	Hitchcock	O'Mahoney	Walsh
Chavez	Holt	Overton	Wheeler
Connally	Johnson, Calif.	Pepper	White
Copeland	Johnson, Colo.	Pittman	

Mr. MINTON. I announce that the Senator from Delaware [Mr. HUGHES] is detained from the Senate because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Missouri [Mr. CLARK], and the Senator from Illinois [Mr. LEWIS] are unavoidably detained.

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

RELIEF FROM LIABILITY OF CERTAIN VETERANS' ADMINISTRATION OFFICERS

The VICE PRESIDENT laid before the Senate a letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to relieve disbursing officers and certifying officers of the Veterans' Administration from liability for payment where recovery of such payment is waived under existing laws administered by the Veterans' Administration, which, with the accompanying paper, was referred to the Committee on Finance.

PETITIONS AND MEMORIALS

Mr. COPELAND presented a telegram in the nature of a petition from the Buffalo (N. Y.) Branch of the Women's International League for Peace, urging the immediate withdrawal of United States ships and troops from the Far Eastern war zone, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the annual convention of the Metropolitan Cooperative Milk Producers Bargaining Agency, Syracuse, N. Y., favoring the adoption of the so-called McNary amendment to the pending farm relief bill, looking to the protection of the livestock, dairy, and poultry industries, which was ordered to lie on the table.

He also presented resolutions adopted by the executive board of the Scarsdale League of Women Voters, of Scarsdale, and the League of Women Voters of the eleventh and thirteenth assembly districts, of New York City, both in the State of New York, protesting against the enactment of the bill (S. 3022) to amend the law relating to appointment of postmasters, which were ordered to lie on the table.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS and Mr. RADCLIFFE (by request):

A bill (S. 3137) authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State; and

A bill (S. 3138) authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State; to the Committee on Commerce.

By Mr. BILBO:

A bill (S. 3139) to amend the Judicial Code to provide for three judicial districts for the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

By Mr. POPE:

A bill (S. 3140) to provide for the appointment of one additional district judge for the district of Idaho; to the Committee on the Judiciary.

By Mr. LODGE:

A bill (S. 3141) for the relief of Alfred E. Hibbard; to the Committee on Military Affairs.

By Mr. BYRD:

A bill (S. 3142) for the relief of Commander Herbert Dumstrey, Chaplain Corps, United States Navy; to the Committee on Claims.

CROP LOANS TO FARMERS—AMENDMENT

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (S. 3043) to provide for loans to farmers for crop production and harvesting during the year 1938, and for other purposes, which was ordered to lie on the table and to be printed.

AGRICULTURAL RELIEF—AMENDMENTS

Mr. MURRAY submitted amendments intended to be proposed by him to the bill (S. 2787) to provide an adequate and balanced flow of the major agricultural commodities in interstate and foreign commerce, and for other purposes, which were ordered to lie on the table and to be printed.

SPECIAL COMMITTEE TO INVESTIGATE UNEMPLOYMENT AND RELIEF—LIMIT OF EXPENDITURES

Mr. BYRNES submitted the following resolution (S. Res. 209), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the special committee appointed by the Vice President, pursuant to Senate Resolution No. 36, agreed to June 10, 1937, to study, survey, and investigate the problems of unemployment and relief in the United States, hereby is authorized to expend from the contingent fund of the Senate $15,000 in addition to the amount heretofore authorized to be expended for such purposes.

FEDERAL CONTROL OF WATER POLLUTION—ADDRESS BY BOAKE CARTER

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a radio address delivered on the 29th ultimo by Boake Carter on the subject of river pollution and Federal control of such water pollution, which appears in the Appendix.]

POLITICS AND PATRIOTISM—ADDRESS BY JAMES A. FARLEY

[Mr. HARRISON asked and obtained leave to have printed in the RECORD a radio address delivered on November 8, 1937, on the Evening Star Forum, by Hon. James A. Farley, chairman of the Democratic National Committee, on the subject Politics and Patriotism, which appears in the Appendix.]

THE FEDERAL BUDGET AND THE NATIONAL WELFARE—ADDRESS BY WAYNE C. TAYLOR

[Mr. MINTON asked and obtained leave to have printed in the RECORD an address delivered by Wayne C. Taylor before the Economic Club at the Hotel Astor, New York City, December 7, 1937, on the subject of The Federal Budget and the National Welfare, which appears in the Appendix.]

THE EQUAL RIGHTS AMENDMENT—ADDRESS BY SENATOR BURKE

[Mr. SCHWELLENBACH asked and obtained leave to have published in the RECORD an address delivered by Senator BURKE before the annual meeting of the National Woman's Party at Washington, D. C., on the subject of The Equal Rights Amendment, which appears in the Appendix.]

AGRICULTURAL RELIEF

The Senate resumed the consideration of the bill (S. 2787) to provide an adequate and balanced flow of the major agricultural commodities in interstate and foreign commerce, and for other purposes.

The VICE PRESIDENT. When the Senate recessed yesterday it had under consideration the committee amendment on page 78 of the bill, lines 15 and 16. The clerk will state the proposed amendment for the information of the Senate.

The CHIEF CLERK. On page 78, line 15, after the word "payments", it is proposed to insert "under this act such sums as are necessary."

Mr. McKELLAR. Mr. President, on yesterday I announced my intention to offer an amendment limiting the first year's expenses to $500,000,000—$275,000,000 to be spent for carrying out the parity payments of the act, and $225,000,000 for carrying out the provisions of the Soil Conservation Act.

Before that amendment could be offered and considered, the question arose on the Vandenberg amendment, which would have limited the expenditures to $500,000,000 for each year—an amendment which, in my judgment, should not have been adopted—and the Vandenberg amendment was defeated by a vote of 49 to 23, showing that the Senate did not care to put any limitation on the appropriation even for the first year. Therefore, I shall not offer the amendment which I proposed yesterday.

Mr. JOHNSON of California. Mr. President, I desire to call to the attention of the sponsors of the bill a resolution which has been adopted by the American Horticultural Institute. It relates to a subject matter which is of consequence to Florida, to California, and to other States that are indulging in fruit culture and tree culture.

The resolution adopted by the institute is as follows:

Resolved, That the American Horticultural Institute urge the early enactment of express legislative authority for making benefit payments either under the Soil Conservation and Domestic Allotment Act or under section 32 of the act of August 24, 1935, to encourage the removal of disease-infected or uneconomical orchards or vineyards.

I take it from a reading of the bill—I may be in error in regard to it, and that is the reason why I put the query to those interested in the bill—that the removal from an orchard of dead trees, infected trees, and the like, is within the power of the Secretary of Agriculture under the bill, and such appropriation as may be necessary he may use in that regard. Am I right in that?

Mr. POPE. Mr. President, if the Senator will yield, I will say that it is my opinion that there is nothing in the bill dealing with the matter to which the Senator has referred. It does not touch horticulture or the treatment of fruit trees in any way, so far as I understand the bill.

Mr. JOHNSON of California. Yes; but under the general powers which are given the Secretary, which are plenary in character, has not he the power, as a matter of soil-conservation—because it is that, in the last analysis—to remove infected trees, or trees that are dead, and the like?

Mr. POPE. The Soil Conservation Act does apply to lands on which fruit trees are grown. As I understand, a certain amount per acre is paid for conserving the soil. Just what practices are involved in that soil-conservation program, I do not know. I should have to check up to see just what is involved in that program. I think I could find out in a very few moments.

Mr. JOHNSON of California. I call the matter to the attention of the gentlemen who are sponsoring the bill, and ask if at some time during the afternoon they will not investigate and determine whether or not the power exists in the Secretary of Agriculture to do that thing.

Mr. POPE. Yes.

Mr. VANDENBERG. Mr. President, I understand that the question now comes on the committee amendment which has just been stated.

The VICE PRESIDENT. The Senator is correct.

Mr. VANDENBERG. I desire to make a final observation in connection with the amendment. This is the amendment which changes the original text of the bill, and changes the authorization of appropriation from a fixed sum to a totally unlimited sum.

Upon yesterday I endeavored to put a ceiling upon this expenditure. The Senate has demonstrated its complete hostility to any such limitation. I rise now simply to say for myself that I desire to join the able Senator from Colorado [Mr. ADAMS] in believing, and in proposing to vote accordingly, that the committee amendment should be defeated, and the original text of the bill should stand.

I desire to read the final paragraph in the letter which President Roosevelt sent to the distinguished Democratic leader, the Senator from Kentucky [Mr. BARKLEY], as printed in the CONGRESSIONAL RECORD for November 29. I read:

It is obvious that a constant increase of expenditures without an equally constant increase in revenue can only result in a continuation of deficits. We cannot hope to continue on a sound basis of financial management of Government affairs unless the regular annual expenditures are brought within the revenues. I feel that every effort should be made to keep the new farm program within the present limit of $500,000,000 per annum.

I interpolate the suggestion that that is the precise limit which my amendment suggested, and which the Senate declined to accept.

I continue the reading:

If it is not possible—

Says the President—

I then urge that steps be taken to provide the necessary increase in revenue to meet any expenditures under the new farm program in excess of this sum.

It has been rather freely suggested that the proposed legislation could not hope to win the Executive approval except as it comes within the specifications so plainly and bluntly set forth. I am unable to understand how the President could know whether he is entitled to sign the bill within his own definition of a national necessity if it comes to him with an authorization for "such sums as are necessary." I am unable to see how he can intelligently confront his responsibility, any more than I can see how we can intelligently confront our responsibility, if we conclude the legislation with an unlimited appropriation to measure an utterly mystifying and incalculable expenditure.

I rose simply in conclusion in my effort of yesterday to join the Senator from Colorado [Mr. ADAMS] in urging that the committee amendment be defeated and that the original text of the bill as written by the authors of the bill themselves shall be adopted.

Mr. ADAMS. Mr. President, I took occasion this morning to look over the debate of yesterday on the question of placing a limitation upon the authority to make appropriations. I find there is apparently a great and fundamental difference of opinion as to the purpose and intent of the bill on the part of those who oppose placing limitations upon it. It seems to me that ought to be made clear in advance; that is, either the bill contemplates parity payments or it does not contemplate parity payments.

Verifying my recollection I find that of those who opposed the amendment yesterday, two of the speakers, leaders in favor of the bill, took the position that the bill does not contemplate or require parity payments, while others took the position that it does require parity payments. If the bill does require parity payments we can readily understand why we would have to leave off the limit because we cannot know what the parity payments may be. On the other hand, if parity payments are not intended, as I contended yesterday, we ought to fix the limit so that when the prorating provision is applied we will have a definite fiscal pool for distribution.

I invite the attention of the Senate to page 1916 of the RECORD, where, in answer to an inquiry, the Senator from Kansas [Mr. MCGILL] said:

> Does the Senator from Colorado construe the bill, regardless of the amount appropriated, to guarantee at all times parity price to the farmer?
>
> Mr. ADAMS. I will say to the Senator from Kansas that I am *afraid that* while the bill does not guarantee the parity price, it holds out that expectation to the farmer.
>
> Mr. MCGILL. I will say to the Senator from Colorado that it does not hold out anything of the kind.

On an earlier day the Senator from Alabama [Mr. BANKHEAD] explained that he did not understand that the bill was to involve the necessity for parity payments.

Mr. MCGILL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. ADAMS. I yield.

Mr. MCGILL. The Senator will agree, however, that my statement complete would have some bearing on the portion of it which the Senator read from my remarks?

Mr. ADAMS. I did not want to take up more of the RECORD than necessary, but the Senator will bear me out that I am correct in my understanding that the Senator does not take the position that the bill obligates the Government to make full parity payments.

Mr. MCGILL. Full parity price, and may not require full payments. However, the Senator read just a small portion of my remarks and read that portion accurately. I am not questioning that. The Senator from Kansas merely wants the RECORD of today to show that the Senator from Colorado did not read the entire answer. I think the Senator from Colorado should read the complete statement, because the portion of the statement appearing in today's RECORD as the Senator read it might leave an erroneous impression as to what my attitude is.

Mr. ADAMS. I would not want to have that happen, of course.

Mr. POPE. Mr. President——

Mr. ADAMS. I yield to the Senator from Idaho.

Mr. POPE. I understood the Senator from Kansas yesterday referred only to schedule A, which now appears on page 21 of the bill, so that under any circumstances full parity would not be paid under the section. For instance, if the normal supply is 114 or more, only 82 percent of parity would be paid. If it were 111, then 86 percent would be paid. The Senator was referring to the fact that even under the bill and under any appropriation that might be made only that percentage of parity would be paid.

Mr. MCGILL. I was stating, among other things, that the bill would not guarantee at all times full parity prices.

Mr. ADAMS. Is it a correct statement to say that the major scope of the bill providing the parity prices is based upon the limitation of production?

Mr. MCGILL. To my mind, that is the only way we can attain for the farmers of the country a parity price. In other words, I think production must be in line with what the markets, both domestic and foreign, will consume in order for the farmer to receive parity price, whether we have this bill or whether we do not.

Mr. ADAMS. Would the Senator go an additional step and say that if we eliminate from the bill the obligation to make parity payments, the bill would still have a measure of effectiveness left in it?

Mr. MCGILL. I do not know that I exactly understand the Senator.

Mr. ADAMS. As I have read the bill, if the premise upon which the bill is founded, that is the limitation of production, shall be retained, it will ultimately raise the price approximately to parity price, and we would accomplish the same thing, even though we might make and promise no payments on account of parity.

Mr. MCGILL. That result would be attained, and there is no question in my mind about it; but we cannot, regardless of acreage, absolutely control production. We recognize that. We also have provisions with reference to the matter of loans, and so forth. If the proper appropriations are made, the bill itself guarantees certain reserve loans and certain parity payments. Those parity payments, however, may not under all circumstances and would not under all circumstances reach what we denominate a parity price.

Mr. ADAMS. In fact, after the limitation on production in the case of cotton should be applied, if cotton were still to sell for 10 cents a pound the Senator would not expect under the terms of the bill that 6 cents a pound would still be paid in order to reach the 16-cent parity?

Mr. MCGILL. Oh, no.

Mr. POPE. Mr. President——

Mr. ADAMS. I yield to the Senator from Idaho.

Mr. POPE. That would all depend on the total supply. If the total supply were 100 percent, then the cotton grower, under those circumstances, might expect parity. But if it is higher than 100 percent of the normal supply, he would not get full parity.

With reference to the other question which the Senator from Colorado asked the Senator from Kansas, while the main feature of the bill is the making of supply meet the demand, yet in order to get the farmer to go along with the program, the parity payments are offered as an inducement.

Mr. ADAMS. Parity price is one thing, and parity payments are another thing.

Mr. POPE. Certainly.

Mr. ADAMS. If I may call attention to the comment of another Senator——

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. ADAMS. My time is limited; but I yield to the Senator from Louisiana, if he will be brief.

Mr. OVERTON. The Senator and I are both members of the Appropriations Committee. I do not have any difficulty in interpreting what the bill means when it comes to making appropriations. Insofar as parity payments are concerned, the bill contemplates an appropriation will be made to meet parity payments in accordance with schedule A, to be found on page 21 of the bill. If the supply of cotton is 14 percent more than the normal supply, as it will be next year, then the parity payments to be made on cotton would be 82 percent of parity, and that would be, I think, 13.9 cents, according to my recollection. At any rate, it would be 82 percent of whatever may be the parity price. Parity may be 16 or it may be 17 or 15. It would be only 82 percent of whatever it may be, and it is contemplated that the appropriation made under the bill to make parity payments must be upon that basis.

Mr. ADAMS. The Senator would have no difficulty in computing the amount of the appropriation, then, because he has in his mind the figures both as to the prospective production and the prospective price.

Mr. OVERTON. When it comes to making an appropriation I shall ascertain what is the parity price and what is the carry-over, and then I shall make a calculation in accordance with schedule A. There will be no difficulty about it.

Mr. ADAMS. Mr. President, I merely wanted to call attention to this matter. Several Senators took what seemed to me to be conflicting views as to the fundamentals of the bill. I had intended to quote from the remarks of other Senators, but I shall not do so, by reason of the fact that time is running against me, other than to say that it seems there is a fundamental difference of opinion as to the purposes of the bill, and it is extremely difficult for anyone endeavoring to compute what ought to be appropriated in view of that fundamental difference in the construction of the bill. If it is intended to make full parity payments, it involves one sum of money. If it is intended merely to make payments of parity to stimulate observance of crop restrictions, it involves another sum of money.

I want to reiterate what I said in the first discussion of the matter, that I think the very carefully worked out schedule of the original bill should stand. That is a much

more carefully worked out schedule than was contained in any of the amendments which were offered or discussed.

The Department of Agriculture obviously considered the matter, and had a hand in preparing the original bill. A limitation was placed in the bill, which limitation, Mr. President, will give $100,000,000 more than the amount of the soil-conservation appropriations, which the Senator from Kansas on yesterday stated he thought would in all probability be adequate. So that it seems to me that if we leave the limitations inserted by the authors of the bill, carefully worked out, specifying the amount of new money going into these payments, specifying the amount that is to come from the already appropriated soil-conservation payments, specifying the amount that is to come out of section 32 of the A. A. A., we have a definite, fixed amount. If it proves to be inadequate, there will be ample recourse, through deficiency appropriations, to meet the requirement, and to meet it in ample time.

I believe, therefore, that the Senate will only be performing its duty in this matter in fixing a limit, and leaving in the bill the provisions as to a limit which were put in the bill, after careful study, by the authors of the bill, after consultation with the Department of Agriculture.

Mr. SMITH. Mr. President, does not the Senator think that in common honesty and fair dealing, if this is accepted, parts of the bill, referring to restrictions, and like matters, ought to be rewritten, so that the farmer will understand that, after all of his regulation and his curtailment, he will get only what is provided at the arbitrary will of the Committee on Appropriations?

Mr. ADAMS. I think the Senator's committee, under the able leadership of the senior Senator from South Carolina, should have made the bill so plain on that point, just as he suggests, that there could not have been the difference of opinion which has demonstrated itself repeatedly on the floor of the Senate; and I think it ought to be done now.

Mr. SMITH. So far as the Senator is concerned, had he and his committee been given time——

The PRESIDING OFFICER (Mr. NORRIS in the chair). The Senator's time on the amendment has expired.

Mr. SMITH. I will finish my sentence; I am speaking in my own time. Had we, as a committee, been given time to draft a bill, I think these confusing elements would have been eliminated. But the Senator knows the conditions under which we had to act, and this is the result.

Mr. ADAMS. Mr. President, will the Senator permit an interruption?

Mr. SMITH. I yield.

Mr. ADAMS. The Senator has no doubt that if additional time were afforded the bill could be clarified, simplified, and changed, so that it would be a bill speaking in integrity and honesty?

Mr. SMITH. I have no doubt.

Mr. JOHNSON of Colorado. Mr. President, I desire to offer an amendment to the committee amendment, on page 78, line 16, after the word "necessary", to add the following:

To pay parity prices in accordance with schedule A on cotton, wheat, and corn, in order to maintain both parity of prices paid to farmers for such commodities marketed by them for domestic consumption and export and parity of income for farmers marketing such commodities.

Mr. President, the purpose of the amendment is to clarify this whole matter. If we are to pay parity prices, let us say so, and say it now. There is great confusion here, just as has been well said by my colleague the senior Senator from Colorado [Mr. ADAMS]. No one knows exactly what is meant, and the object of my amendment is to declare that we are to pay parity prices in accordance with schedule A. It should be said that the committee amendment as it is drawn, stopping with the word "necessary," as it does stop, leaves the whole matter up in the air.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. Gladly.

Mr. VANDENBERG. The Senator's amendment clarifies the language, but fails to clarify the mathematics. The Senator's amendment, if anything, adds to the mystery. How much would the Senator's amendment cost?

Mr. JOHNSON of Colorado. That can only be estimated in connection with carrying out the curtailment established in schedule A. I am unable to answer the question in dollars and cents, but it does at least tell the farmer what the formula is, together with the objective, and he can figure out that he is either going to receive parity payments or not. I maintain that the bill in its present form is misleading to the farmer. The farmers in my section of the country think they are to get parity prices.

Mr. VANDENBERG. Is the Senator in favor of giving them parity prices?

Mr. JOHNSON of Colorado. I am.

Mr. VANDENBERG. Is the Senator prepared to vote for the necessary taxes to give them parity prices?

Mr. JOHNSON of Colorado. I am.

Mr. VANDENBERG. Has the Senator any suggestion as to what those taxes may be, or how they may be raised?

Mr. JOHNSON of Colorado. I am going to wait for the House of Representatives, because providing for taxes is the function of the other body of Congress.

Mr. VANDENBERG. It seems to be the function of the other House to deal with all the mathematics of the matter, because it is nothing but a maze so far as the Senate is concerned.

Mr. BARKLEY. Mr. President, will the Senator from Colorado yield to me?

Mr. JOHNSON of Colorado. I yield.

Mr. BARKLEY. I appreciate the Senator's desire to clarify this provision, but I wonder what will happen if we state definitely and specifically, without any reservation, that we are going to make parity payments, and then later on Congress does not appropriate enough money to pay them. Just what would happen? Would all those who got in on the ground floor, or got the first consideration, receive parity, then those who were a little later not receive anything? Should we not apportion the amount Congress appropriates among all those entitled to it in proportion to their share of the appropriation? No matter what we say in the bill, unless Congress later appropriates the money to pay parity, there will be no way for the farmers to get it.

Mr. JOHNSON of Colorado. I think that is the position the farmers and Congress are in right now. The parity payments will only be made, as pointed out by the senior Senator from Nebraska [Mr. NORRIS] yesterday, after the crop has been made, a year from now, and under the terms of the bill the farmer will be expecting to receive parity, because the bill says he will. Why not say so, if that is our intention, and say it right now, when we are authorizing the appropriations? The bill very specifically provides on the first page:

It is hereby declared to be the policy of Congress to regulate interstate and foreign commerce in cotton, wheat, corn, tobacco, and rice to the extent necessary to provide such adequate and balanced flow of such commodities as will, first—

And that is what we are talking about now—

maintain both parity of prices paid to farmers for such commodities marketed by them for domestic consumption and export and parity of income for farmers marketing such commodities.

I have copied the very language in the authorization, so as to make the bill in its authorization for the appropriation of funds conform with the purpose of the bill.

Mr. BARKLEY. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BARKLEY. What I am disturbed about it that the amount of the payments on parity or anything else depends on the amount Congress will appropriate. If we hold out the certainty to the farmer that he is to receive full parity, and then some Congress appropriates only enough to pay

half parity, what would happen? Should there not be a provision here as to how the money is to be paid, whether the payments are to be made in full to those who get the first payments and then deny everyone else, or should we allocate the payments among the farmers in proportion to their respective shares? Of course, I would like to have it made more definite, and I appreciate the Senator's desire to make it definite, but I do not see how we can ever make it definite until each year Congress appropriates the money to be available for parity payments. If Congress appropriates no money at all, although we promise parity, there will be no way to pay it.

Mr. JOHNSON of Colorado. It is my understanding that the farmer will be expecting, under this bill—in fact, I know he is expecting—to receive parity payments, and if we are not going to make parity payments, it seems to me we should either amend the section on page 78, or amend the section on page 2. I want to make this bill consistent in all of its parts. I want to make this an honest bill.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. JOHNSON of Colorado. Very gladly.

Mr. VANDENBERG. Is not the Senator making an excellent argument for the recommittal of the bill, in order that it can be so written that at least two Members of the Senate will understand it the same way?

Mr. JOHNSON of Colorado. I should be glad to see it recommitted, and some of these points clarified. I should be glad to vote for recommittal today for that purpose, because I think that some of the points must be clarified. I know that the farmers are being deceived by the bill, and I do not think it is fair to say in the bill that we are going to make parity payments and then not make any pretension of making them. Let us either make our declaration that we are not going to make them, or let us make arrangements to make them, one or the other.

Mr. McNARY. Mr. President, I discussed this subject 2 weeks ago, and pointed out the inconsistencies which involved the Senate yesterday afternoon. It was very clear then, and it is just as clear now, what Congress intends to do, and what was in the minds of the authors of the bill when it was introduced.

When the bill came to us, in the declaration of policy we were asked to pledge payment of parity prices as to those commodities mentioned in the adjustment contracts, namely, cotton, wheat, and corn. We made no promise to the tobacco and rice growers. On page 10 there was a mandatory declaration that the Secretary of Agriculture "shall" make parity payments. I called these two matters to the attention of the Senate at the time, stating that that was a committal by a declaration of policy, that it would be, further, a committal by a statutory enactment by the Congress.

The able Senator from Alabama stated at that time that he did not expect parity payments to be for cotton because it would cost too much. I asked him for the figures, and he said it would cost between three hundred million and four hundred million dollars. I suggested that the "shall" should be changed to "may," leaving it discretionary with the Secretary of Agriculture, and that change was made.

Mr. President, so far as the bill goes, the provision of the bill as to policy leaves it discretionary with the Secretary, which does not, in my opinion, improve our situation at all. It leaves us in a ridiculous position, and it was my intention, and is now, to offer an amendment, when we come to consider the text of the bill, to strike from the text the provision which commits us to parity payments and parity income.

Having in mind that discretion is left with the Secretary of Agriculture with respect to policy, and keeping in view the language in another portion of the bill which says that the money appropriated does not pay parity, it might be well then for us to provide that we shall pay all that is available pro rata.

Mr. President, I think that is a fair statement of the situation.

I desire to call attention to a matter that is before us now in connection with this bill on page 78, and I ask the opinion of the able Senators in charge of the bill.

On page 78, lines 12, 13, 14, and 15, will be found the following language:

> There is hereby authorized to be appropriated, for each fiscal year—
>
> First—
>
> for the administration of this act—
>
> Second—
>
> and for the making of Soil Conservation Act payments and—
>
> Third—
>
> parity payments—

As much as is necessary. Properly to interpret that, we must remember that we are carrying $500,000,000 annually for soil conservation. If we do not change the words at this point in the bill, I think the $500,000,000 will be absorbed by cost of administration, parity payments, and soil conservation. I am distressed, because on page 86, wholly apart from this $500,000,000, I find the following authorization, in line 10:

> The Corporation shall have a capital stock of $100,000,000, subscribed by the United States of America, which sum is hereby authorized to be appropriated.

Mr. President, that sum cannot be comprehended in the $500,000,000 which is set aside for soil-conservation, parity payments, and cost of administration. It is wholly an additional sum of $100,000,000. So, if the bill stands in the form that has been suggested by the sponsors, and we abide by the defeat of the Vandenberg amendment and the accomplishment of what is provided in the language that was agreed to by the Senate yesterday, we shall be carrying in the bill, according to my interpretation, $600,000,000. That does not pain me greatly; but, Mr. President, it does seem to be wholly contradictory to the wishes of the President when he said he did not want appropriated a sum in excess of $500,000,000.

I make this statement in a kindly spirit, and for the purpose of calling to the attention of the Senator from Kansas [Mr. McGILL] and the Senator from Idaho [Mr. POPE], who have the bill in charge, the fact that under their own language and under their own specifications in my opinion the bill carries $600,000,000 in its present form.

I have no illusion as to the matter of the payment of parity. I do not think parity could be touched at this session of Congress, in view of the President's attitude. When the Secretary of Agriculture carries out his policy of conservation, which becomes the established plan and treatment of crops, he is going to exhaust the same amount of money as heretofore. If we get any parity, it will be out of diminishing the sum which is provided for in one of the sections of the bill, which specifies that 55 percent of it may be used for that purpose. But, Mr. President, if my interpretation of the language of this amendment is correct, I think those in charge of the bill should give it further thought along that line. I suggest to them that when we reach the text, it be amended so that there shall not be language in it holding out to the farmers the impression that there will be a parity by the declaration of Congress, which I think is even more sacred than the language employed in the statutory portions of the bill.

Mr. KING. Mr. President, I have heretofore stated my opposition to this bill, and the longer it is debated and its oppressive and—I was about to say—iniquitous features are revealed, the stronger becomes my opposition to it. I have stated, and I repeat, that I regard it as unconstitutional. It is an attempt to delegate authority to bureaus and to the Secretary of Agriculture that may not be justified under our form of government. It contravenes to as great an extent the Constitution as did the A. A. A. Act, which was stricken down by the Supreme Court. In my opinion, this bill, with its infirmities and glaring violations of the Constitution, ought not to receive the approval of the legislative branch of the Government.

Mr. President, I believe that this bill, as well as the House bill, which is now in this body, should be referred to the Committee on Agriculture and Forestry, so that it may have an opportunity, during the recess and the early weeks of the regular session of Congress, to compare the two measures, eliminate those features that are irreconcilable and improper, and those that are unconstitutional, and report a bill that will meet the needs of the situation and commend itself to the conscience and judgment of the Congress as well as to the people.

I fear that my views in this respect may not prevail. There seems to be a determination upon the part of Senators—and I offer no criticism of their course—to force this bill through at the earliest possible moment, notwithstanding its many infirmities and unsound economic features. The chairman of the Committee on Agriculture and Forestry, the Senator from South Carolina [Mr. SMITH] has just indicated that due consideration was not given to this measure which its importance and magnitude required; that an effort was made to drive it to the floor for early passage; and it is apparent that there is an effort being made now upon the floor to drive it through the Senate.

Mr. President, I cannot understand why there should be this great haste in the consideration of a measure which, as I read it, aside from the unconstitutional and complex features, will make a draft upon the Treasury of the United States of not $600,000,000, as just indicated by my friend the Senator from Oregon [Mr. MCNARY], but perhaps more than a billion dollars.

It is certain that the bill carries a direct appropriation of $600,000,000 and an authorization for an indefinite amount to meet parity prices, whatever they may be—and they are as indefinite and uncertain as the floating clouds in the sky—in order to meet the commitments involved in authorization for the total payment of the so-called parity prices. I have heard it stated upon the floor that the amount required is $1,000,000,000. The Senator from Louisiana [Mr. OVERTON] yesterday stated, if I understood him correctly, that cotton alone would be entitled to $1,000,000,000. I am not certain whether the sum of $1,000,000,000 was in addition to the $500,000,000, but I understand from his observations that $1,000,000,000 would be required to meet the parity demands of the bill for cotton alone. No figures have been given of the amount required to meet the parity payments of the other commodities for which quotas are provided in this bill. If $1,000,000,000 are required to meet the demands for parity for cotton alone, then it is certain that the amount required will greatly exceed the sum which the President in his message indicated should be appropriated by Congress, and in my opinion far exceeds the amount which Congress should appropriate or authorize to be appropriated in this bill.

Mr. President, there have been intimations, if I have properly interpreted some of the statements made during the debate, that an authorization is not an appropriation and does not bind Congress. Permit me to state that I am not in entire sympathy with that view. I do not believe that Congress should coolly and deliberately pass measures containing provisions authorizing appropriations without any expectation that appropriations will be made in harmony with the authorized provisions.

If I were a member of the Committee on Appropriations I should feel a moral obligation to meet specific authorizations for appropriations. Certainly if laws are enacted carrying authorizations for billions of dollars, or any sum whatever, those who are to be benefited by the appropriations, as well as all branches of the Government and the people generally, would be justified in requesting that the amount authorized to be appropriated should be made.

I have sometimes been surprised at the position taken when measures were under consideration authorizing appropriations, at the attitude of Senators, as well as others; they have stated in substance that an authorization did not mean an appropriation and that the Committee on Appropriations would be under no obligation to include in appropriation bills the amounts so authorized. In other words, the position of some seems to have been that the authorization for an appropriation was not a requirement or a command, but an idle gesture or a futile declaration.

But I do not believe, Mr. President, that that position is fair or just. It seems to me that it is not to the credit of Congress to pass measures carrying authorizations with the expectation that the Appropriations Committee will not be bound by them and that the people who are expected to be the beneficiaries of the authorization will obtain no appropriation.

I have been somewhat surprised at the demands which have been made by the people for Federal appropriations, and I have been somewhat amazed at the alacrity with which Congress responds to such demands. I have before me some figures, which may be meaningless to the Senate, but it seems to me they should challenge our attention. They relate to Federal receipts and appropriations, and show the increase in appropriations and expenditures during the past few years. In 1930 the receipts were $4,885,000,000 plus, and the expenditures were $4,708,000,000, with a surplus of $185,000,000.

Mr. President, the receipts are exactions taken from the pockets of the American people. During Mr. Wilson's administration, except during the war, the expenditures were less than $1,000,000,000 and were met from taxes collected. They covered all expenses of the Government. But now, with nearly 2,000,000 Federal employees upon the pay roll, we will be asked to appropriate nearly $2,000,000,000 to meet their salaries and compensation. And the organization which will be created by this bill will increase the number of employees and, of course, the amount required to pay their salaries.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. TYDINGS. I should like to ask the Senator from Utah if it is not a fact that the President in making his recommendations in connection with the farm bill fixed a limit of $500,000,000 and said that if the Congress insisted upon appropriating more than that we ought to raise the revenue to provide for the extra expenditure. Therefore, is it reasonable to assume that the President wants the $500,000,000 limitation left in the bill?

Mr. KING. Mr. President, I think that the Senator has properly interpreted the views of the President; but I shall read the latter's statement so that Senators may determine for themselves the accuracy of the statement made by the Senator from Maryland.

The President says, "We must keep in mind the United States Treasury." I may pause to state that I fear we have not done so. It is certain we may not annually create enormous deficits, though heavy taxes are imposed, without leading to an inflationary condition. Heavy taxes and stupendous appropriations, largely exceeding revenues, ultimately impair the credit of governments and lead to inflation, which is destructive of capital and sound economic policies. Both Russia and Germany resorted to inflation with disastrous results and impoverishment of the people. Their destructive policies should be a warning to us and, for that matter, to all governments. A sound financial policy must rest upon a balanced Budget; upon the proposition that expenditures must be met from revenues; and that deficits, long continued, are the sure precursors of governmental disaster.

Proceeding further, the President states:

> I have already expressed my view that if the new farm bill provides for expenditure of funds beyond those planned in the regular Budget the means should be provided to yield the additional revenue.

Of course, we may not include in this bill provisions for the raising of revenues, but we certainly should not insert in the bill provisions which authorize enormous appropriations, for the payment of which no provisions have been made, and to meet which there is no certainty that direct appropriations will be made. I wonder if Senators who have been docile, as some contend, and amenable to suggestions

of the President, will follow his wise counsel with respect to this measure.

Mr. TYDINGS. Mr. President, will the Senator further yield?

Mr. KING. I yield, but I have only 15 minutes.

Mr. TYDINGS. In line with what the Senator has just said, I am wondering if there is anybody on the floor who can say, with this limitation taken out, whether either the President or the Secretary of Agriculture is in favor of the bill.

Mr. KING. Mr. President, I do not pretend to be a prophet, and I shall not interpret the views of the President other than as he himself interprets them; nor should I ever expect to interpret the varying views of the Secretary of Agriculture.

The President says:

> We must keep in mind the Constitution of the United States.

That is an admonition to Democrats, especially some of my southern Democratic friends. Pardon me when I say that I got my democracy from the South, and I tried to follow the Constitution of the United States as it was taught to me by eminent and distinguished Democratic leaders from the South.

The President further states:

> Although vital portions of the Agricultural Adjustment Act were set aside nearly 2 years ago by the Supreme Court, acts of Congress to improve labor relations and assure workers' security have since then been upheld.

I think that is the only part of the message that addresses itself to this subject.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. KING. Just one moment.

Mr. BARKLEY. I do not want to take the Senator's time; but in the President's message he suggested, and he has suggested all along, and that has been his position in every public statement he has made, that if the farm bill should carry any obligations beyond $500,000,000, Congress should raise the additional revenue necessary to meet it; and in this message he reiterates that suggestion. Is there anything inconsistent between that suggestion in the President's message and the bill now under consideration?

Mr. KING. I think so.

Mr. BARKLEY. Does the Senator think that we here on the floor of the Senate, in an agricultural bill, could provide the necessary revenue or any contingent revenue by which any increase might be met out of the Treasury? Is not that a matter which must be taken up by the appropriate committees of the House and the Senate at the proper time?

Mr. KING. The Senator is correct that legislation dealing with revenue must originate in the House of Representatives; but we are not under compulsion to pass a bill which will increase the burdens upon the taxpayers of the United States by perhaps a billion or a billion and a half dollars. No one knows the amount; nor are we justified in passing a bill which attempts to commit Congress and the Government to the duty or responsibility of appropriating one or two billions of dollars for so-called farm relief. The House of Representatives is now working upon a revenue bill, and at the next session of Congress its measure will come before the Finance Committee of the Senate and before the Senate itself; and if then it is deemed wise, if then the President shall recommend not $500,000,000, as I understand he has recommended, but a billion or $2,000,000,000, Congress will have the opportunity to determine what additional taxes will be imposed upon the people.

Mr. VANDENBERG. Mr. President——

Mr. KING. I yield to the Senator from Michigan.

Mr. VANDENBERG. The Senator did not intend to say that authorizations of appropriations had to originate in the House of Representatives, did he?

Mr. KING. No. An authorization is not a revenue bill, but it may become a basis for appropriations.

The PRESIDING OFFICER. The time of the Senator from Utah on the amendment has expired.

Mr. KING. I shall pretermit any further discussion now, but if opportunity affords will present additional figures dealing with revenues and expenditures.

Mr. BYRNES. Mr. President, if I correctly understood the Senator from Oregon [Mr. McNARY] a moment ago, he stated that he believed the appropriation clauses in this bill made available $600,000,000. It seems that there are many opinions as to the amount of appropriations authorized. I have a different view, and I wish to state my view of the amount that is authorized by the bill.

Referring to page 78, to the text of the bill as introduced before the language affected by the committee amendment was stricken out, the bill provided $400,000,000 to remain available until expended, of which sum $250,000,000 is to be made available from the amount appropriated pursuant to section 15 of the Soil Conservation and Domestic Allotment Act.

We have $500,000,000 authorized to be appropriated for the Soil Conservation Act. Take $250,000,000 of that and put it over here to be available to carry out the purposes of this measure. That leaves the difference between $250,000,000 and $400,000,000, or $150,000,000, which is an additional authorization; so we will put $150,000,000 over here. That makes $400,000,000 available under this section. Add that to the $250,000,000 left in the authorization for the Soil Conservation Act, and we have $650,000,000.

Then we have one section of the bill authorizing an appropriation of $100,000,000 to the capital stock of a corporation to make loans. As I read the bill, it makes available $650,000,000 plus that $100,000,000 available for the capital stock of the Corporation to engage in loans, or a total of $750,000,000.

When the vote was taken yesterday on the Vandenberg amendment I was unavoidably absent. Had I been present, I should have voted for the Vandenberg amendment. I think certainly it would be better to restore the language stricken out by the committee, so that there would be a ceiling of $750,000,000 in the bill, rather than to leave it open with the sky the limit for the authorization.

Whenever the matter comes to the Appropriations Committee it is true that the committee is not obligated to appropriate the entire amount authorized; but all Members of the Senate who have served upon the Appropriations Committee know the force of the argument which is constantly made to the committee that the Congress intended that the amount authorized should be appropriated, else they would not have authorized it. If we fix no ceiling at all, and we have no limit except the amount necessary to make parity payments, then we must follow the suggestion of the distinguished Senator from Louisiana and find out what parity is; for instance, whether parity is 15 or 16 cents on cotton. In order to find out the authorization we would have to go into the parity price on other crops. I cannot see that there is any limit at all to the appropriations to be made.

Therefore I hope the Senate will not accept the committee amendment striking out this authorization, but, on the contrary, will restore the language of the bill as introduced. When we restore it, as I read the bill, we shall then have an authorization for the appropriation of $750,000,000.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from South Carolina yield to the Senator from New Mexico?

Mr. BYRNES. I do.

Mr. HATCH. I merely wish to call the attention of the Senator from South Carolina to some other changes which it would be necessary to make in the bill.

If the committee amendment should be rejected and the original text of the bill accepted, other changes in the original text would have to be made. I call that matter to the attention of the Senator from South Carolina, and ask him to have in mind the words "pursuant to adjustment contracts." Under the cotton section of the bill, as I recall, adjustment contracts were done away with as to cotton. We have no

adjustment contracts as to cotton, and we have no payments whatsoever for cotton.

I merely call that matter to the attention of the Senator from South Carolina.

Mr. BYRNES. I think that is exactly correct; and if it should be the will of the Senate that some limit be placed upon the authorization, I know the committee would perfect the language by striking out "adjustment contracts" and inserting the proper language.

Mr. THOMAS of Oklahoma. Mr. President, there are two rules which the Senate usually follows in preparing legislation. One rule is, where a small amount is to be appropriated for a specific purpose that the authorization act fixes the amount; but on larger contracts and indeterminate contracts the amount is left vacant.

For example, take the case of the law creating the Tennessee Valley Authority. When that law was passed it was not known how much money would be necessary, so the law provides that "sufficient funds are hereby authorized to carry out the provisions of this act." In practically all the larger developments that sort of language is used—sufficient funds are authorized.

In this particular case this is the way it occurs to me that the matter will be handled if the committee amendment shall be agreed to and the larger amount authorized. Then if the bill is passed and becomes law the Agricultural Department from year to year will make up estimates of the amount of money necessary to carry out the provisions of the law. The Agricultural Department each year will send its estimate to the Budget Bureau. There a hearing will be held and the Budget Bureau will pass upon the request as submitted by the Agricultural Department. After the Budget Bureau has passed upon the matter the whole proceeding goes to the President, and he must O. K. or approve the estimate. Then it comes to the respective Houses of Congress, and the committees of the House and of the Senate will have a chance to consider the item in the light of the recommendations made, first by the Agricultural Department, then by the Budget Bureau, and finally by the President.

So I can see no harm in leaving the authorization in accordance with the language of the committee amendment, and I shall so vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. JOHNSON] to the amendment reported by the committee.

Mr. McNARY. Let it be stated, please.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 78, line 16, after the word "necessary", it is proposed to insert the following:

> To pay parity prices in accordance with schedule A on cotton, wheat, and corn in order to maintain both parity of prices paid to farmers for such commodities marketed by them for domestic consumption and export and parity of income for farmers marketing such commodities.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment.

Mr. VANDENBERG. I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. The yeas and nays are called for. Is the request seconded? [A pause.] The Chair is in doubt.

Mr. VANDENBERG. Then I shall have to suggest the absence of a quorum. I shall be very frank about the matter. We shall simply save time if we may have a roll call. I ask for the yeas and nays.

Mr. LEE. On what question, Mr. President?

Mr. VANDENBERG. On the committee amendment.

Mr. LEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will please state it.

Mr. LEE. Where does that take us to in the bill; what page?

The PRESIDING OFFICER. Page 78, beginning at line 17.

The Chair is of the opinion that not a sufficient number of Senators have seconded the demand for the yeas and nays.

Mr. VANDENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Pope
Andrews	Dieterich	King	Radcliffe
Ashurst	Donahey	La Follette	Reynolds
Austin	Duffy	Lee	Russell
Bailey	Ellender	Lodge	Schwartz
Bankhead	Frazier	Lonergan	Schwellenbach
Barkley	George	Lundeen	Sheppard
Bilbo	Gerry	McAdoo	Shipstead
Bone	Gibson	McCarran	Smathers
Borah	Gillette	McGill	Smith
Bridges	Glass	McKellar	Steiwer
Brown, Mich.	Graves	McNary	Thomas, Okla.
Brown, N. H.	Green	Maloney	Townsend
Bulkley	Guffey	Miller	Truman
Bulow	Hale	Minton	Tydings
Burke	Harrison	Moore	Vandenberg
Byrd	Hatch	Murray	Wagner
Byrnes	Hayden	Neely	Walsh
Capper	Herring	Norris	Wheeler
Caraway	Hitchcock	O'Mahoney	White
Connally	Holt	Overton	
Copeland	Johnson, Calif.	Pepper	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present. The question is on agreeing to the committee amendment on page 78.

Mr. BORAH. Mr. President, I want to understand definitely the question upon which we are about to vote. The first vote, I presume, would be upon the proposal to strike out, beginning in line 16, down to and including "1935", in line 24, and then a separate vote upon the question of whether we shall insert the provision beginning at line 24, page 78, and ending in line 4, on page 79. I understand there will be a separate vote on the two proposals.

The PRESIDING OFFICER. The question now before the Senate is on the committee amendment to strike out beginning in line 16 and ending in line 24 and to insert certain words.

Mr. McNARY. Mr. President, the usual procedure would be to vote on the proposal to strike out and insert. However, anyone will be entitled to a separate vote upon request and I understand that is the purpose of the Senator from Idaho.

Mr. BORAH. Mr. President, I should like to have a separate vote. I should like to have an opportunity to vote on the amendment proposing to strike out and insert and another vote on the proposal to insert.

Mr. ADAMS. Mr. President, I think the Senator from Idaho, if I heard him accurately, is mistaken as to the part to be inserted. The part to be inserted is found in lines 15 and 16 on page 78.

Mr. BORAH. I understood that; but what I am anxious to know is whether we are to have a separate vote on that portion which it is proposed to insert, beginning on page 78, line 24, and ending on page 79, line 4.

Mr. ADAMS. That is a different amendment.

Mr. McNARY. That is a separate amendment.

Mr. JOHNSON of California. Mr. President, I understand the first vote is to be taken on the question of striking out and inserting. That would mean, if agreed to, that we would insert in the bill the words "under this act such sums as are necessary"?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSON of California. We are to have a vote upon each proposal?

The PRESIDING OFFICER. Yes.

Mr. VANDENBERG. Mr. President, the quorum call was precipitated because of my request for a record vote on the amendment. I respectfully submit that when the Senate is dealing with a proposal to appropriate half a billion dollars

we are entitled to have a record vote. I renew my request for the yeas and nays on the committee amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will state the pending question.

The CHIEF CLERK. On page 78, beginning in line 16, it is proposed to strike out "pursuant to adjustment contracts under this title, the sum of $400,000,000 to remain available until expended, of which sum $250,000,000 shall be made available from the amount appropriated pursuant to section 15 of the Soil Conservation and Domestic Allotment Act, as amended, and $50,000,000 shall be appropriated from the amount appropriated by section 32 of the act entitled 'An act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935" and in lieu thereof to insert "under this act such sums as are necessary", so as to make the sentence read:

Beginning with the fiscal year commencing July 1, 1938, there is hereby authorized to be appropriated, for each fiscal year for the administration of this act and for the making of Soil Conservation Act payments and parity payments under this act such sums as are necessary.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. MINTON. The senior Senator from Illinois [Mr. LEWIS] is unavoidably detained. I am authorized to say that on this question he would vote "yea" if he were present.

Mr. FRAZIER. My colleague the junior Senator from North Dakota [Mr. NYE] is absent from the Senate. If he were present, he would vote "yea."

Mr. BARKLEY. I announce the unavoidable absence of the junior Senator from Tennessee [Mr. BERRY] on official business. If he were present, he would vote "yea."

Mr. MINTON. The Senator from Delaware [Mr. HUGHES] is detained from the Senate because of illness.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Missouri [Mr. CLARK], the Senator from Nevada [Mr. PITTMAN], and the Senator from Indiana [Mr. VAN NUYS] are unavoidably detained.

The Senator from Utah [Mr. THOMAS] is detained in an important committee meeting.

The Senator from Florida [Mr. PEPPER] is detained in one of the Departments on matters pertaining to his State.

YEAS—48

Andrews	Frazier	Lee	Pope
Ashurst	Gillette	Logan	Reynolds
Bankhead	Graves	Lundeen	Russell
Barkley	Green	McAdoo	Schwartz
Bilbo	Guffey	McGill	Schwellenbach
Bone	Harrison	McKellar	Sheppard
Borah	Hatch	Miller	Shipstead
Brown, N. H.	Hayden	Minton	Smathers
Bulow	Herring	Murray	Smith
Caraway	Hitchcock	Neely	Thomas, Okla.
Connally	Johnson, Colo.	Norris	Truman
Ellender	La Follette	Overton	Wheeler

NAYS—38

Adams	Copeland	Holt	Radcliffe
Austin	Davis	Johnson, Calif.	Stelwer
Bailey	Dieterich	King	Townsend
Bridges	Donahey	Lodge	Tydings
Brown, Mich.	Duffy	Lonergan	Vandenberg
Bulkley	George	Maloney	Wagner
Burke	Gerry	McCarran	Walsh
Byrd	Gibson	McNary	White
Byrnes	Glass	Moore	
Capper	Hale	O'Mahoney	

NOT VOTING—10

Berry	Hughes	Pepper	Thomas, Utah
Chavez	Lewis	Pittman	Van Nuys
Clark	Nye		

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment passed over.

The CHIEF CLERK. On page 78, line 24, after the numerals "1935", it is proposed to insert the following:

There is hereby made available for parity payments with respect to cotton, wheat, and field corn under this act for any year commencing on or after July 1, 1938, 55 percent of all sums appropriated for the purposes of sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, for such year.

Mr. JOHNSON of Colorado. Mr. President, I have an amendment which I desire to offer to this amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to add at the end of the amendment the following proviso:

Provided, That the proportion of such sums heretofore allocated for the purposes of said sections 7 to 17 of said act with respect to other crops shall not be diminished thereby.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. McNARY. Let us have order.

The PRESIDING OFFICER. There must be order in the galleries.

Mr. McNARY. The disorder is not in the galleries.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BORAH. Mr. President, what will be the effect should we adopt the amendment of the Senator from Colorado and then adopt the amendment as amended? Would we still not be reducing the soil-conservation fund to about $225,000,000? What would be the effect upon the soil-conservation fund?

Mr. POPE. Mr. President, will the Senator from Colorado yield?

Mr. JOHNSON of Colorado. I yield.

Mr. POPE. It was so difficult to hear the amendment as it was stated that I did not fully understand it, but, as I caught the language, the amendment provides that soil-conservation payments on other crops than corn, wheat, and cotton would not be affected. Would that be the effect of the Senator's amendment?

Mr. JOHNSON of Colorado. The object of the amendment and the effect would be to restrict the 55 percent of soil-conservation money going to wheat, corn, and cotton from other crops. The object of the amendment is to clarify the committee amendment.

Mr. President, last night it was stated in the debate by the senior Senator from Kentucky [Mr. BARKLEY] that under the committee amendment $275,000,000 would be taken from the soil-conservation fund of $500,000,000 and used for parity payments. The object of my amendment is to provide that no money shall be taken from other crops, that no money shall be taken away from New Hampshire or from Colorado or from Idaho and sent over into Texas for the cotton people; or into Iowa for the corn folks; or into Kansas for the wheat people; but that that money shall be held under the soil-conservation program as it now exists for these other crops. That is the object of the amendment.

Mr. POPE. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. POPE. I think it has been stated several times during the discussion of the bill that according to the calculation of the Department of Agriculture 55 percent is equivalent to what has been paid on wheat, cotton, and corn under the soil-conservation program. If that is correct—and I have no doubt it is—the balance of 45 percent would be used for soil-conservation payments for all other crops. So that the Senator's amendment would not change the situation if I understand the amendment. I think the amendment is unnecessary, because under the soil-conservation program 45 percent of the total appropriation is being used for all crops other than wheat, cotton, and corn. The Department merely takes the soil-conservation fund, or the percentage of it which has heretofore been paid on corn, wheat, and cotton, and uses it for making parity payments, because in the program soil conservation would be carried out as to cotton, wheat, and corn in the same way it is now being carried out.

Mr. JOHNSON of Colorado. Mr. President, the statement made by the junior Senator from Idaho just now is the very reason for the amendment. He says that he believes that it would be correct to say that 55 percent of the soil-conservation money now goes for cotton, corn, and wheat. He says

he "believes" it goes in that direction. He did not say it actually does go to that purpose. The object of my amendment is to make it definite. If it does go to those crops, what is the harm of the amendment? It merely clarifies the language and makes it impossible for the money to go to other crops.

Mr. POPE. Mr. President, I see no objection to the amendment, since I understand that it is to do the very thing the committee amendment is calculated to do. I have no objection to the amendment offered by the Senator from Colorado.

Mr. BORAH. Mr. President, assuming the amendment should be adopted, what would be the effect on the soil-conservation fund of the committee amendment as amended? It would take a very large portion of the soil-conservation fund and devote it to parity payments, would it not?

Mr. POPE. Yes.

Mr. BORAH. I understood my colleague to say that it would not change the amount that would go to corn and wheat.

Mr. POPE. Corn, cotton, and wheat.

Mr. BORAH. Would it go to the same people?

Mr. POPE. To the same people exactly. The people who cooperate with the soil-conservation program would get it.

Mr. AUSTIN. But if they do not cooperate, they will not get it.

Mr. POPE. Exactly. Under the bill, those who sign contracts and would be entitled to parity payments are under the soil-conservation program, and as a part of their contract they agree to carry out the soil-conservation practices, diversion of acres, and all the rest; and if no more shall be appropriated in addition to the $500,000,000, they will get the same money for carrying out the purpose of this act and the Soil Conservation Act that they have been getting under the Soil Conservation Act.

Mr. BORAH. Let us assume that those now getting the benefit of the Soil Conservation Act should conclude not to sign. Then they would be deprived of their soil-conservation fund.

Mr. POPE. Then the payments would not be made on the commodity, but would be made for soil-conserving practices. They would still be entitled to payments under that part of the Soil Conservation Act dealing with soil-conserving practices, but not the part with respect to diverting acreage.

Mr. TYDINGS. Mr. President, a few moments ago the Senate took action upon an amendment which, in my humble judgment, was an injury to agriculture as well as to the country as a whole; namely, when it adopted an amendment which in effect does not specify any particular sum of money which may be required to service this program.

I will start out by saying that an agricultural problem exists in our country. If we look at the price of agricultural products for the past 10 years, or the past 20 years, or the past 30 years, we find that the price the farmer gets for the crop he produces has changed very little in 10, 20, or 30 years. We have dollar wheat today; we had dollar wheat 30 years ago; and so the situation might be illustrated by citing other products. On the other hand, everything the farmer has to buy in the way of fertilizer, or machinery, or harness, or almost any other commodity he requires to operate his farm to live, has increased in price two or three times in the past 20 or 30 years. So I do not think any sensible person can deny that a farm problem exists, and that the farmer is entitled to some adjustment.

The other day the President of the United States sent a message to the country and the Congress. In my judgment it was a very fine message, in the main conciliatory, exhibiting a desire to be helpful, most tolerant in its construction, and was evidently sent to the Congress because the President felt that it was necessary to give business that indefinite but important thing called confidence, so that the increasing unemployment in the country could be at least arrested, if not sent back in the other direction.

The President likewise said that a drain of $500,000,000 on the Federal Treasury now for agriculture was a heavy drain, but that he was perfectly willing to support a program of $500,000,000 for agricultural relief. The President likewise said that if the Congress thought the problem required more money than $500,000,000 the Congress should provide the additional funds, so as not to increase the constantly recurring and in some ways deepening deficit in the Federal Treasury.

Everyone in the Senate Chamber realizes that in the next session in January measures will be fought for which will modify, and accordingly probably reduce, some of the taxes which are now being paid by the corporations of the country, in an effort to give them funds for expansion and to carry them over periods of depression. Everyone realizes that in a time of depression we are all reluctant to levy additional taxes if they can possibly be avoided, and certainly it is not going to help the farmers of the country if those who buy the farmer's products have to pay an increasing amount out of their income and give it to the support of government.

Therefore, I cannot help believe that it is unwise to let this bill go through and to have the Appropriations Committee face the fact that as it is we can appropriate $500,000,000, $750,000,000, a billion dollars, $1,250,000,000, or $1,500,000,000 for agriculture. First of all, we do not have cash funds to appropriate at all. In all likelihood the money, or a large part of the money we are going to appropriate, will have to be raised by loans. We shall have to borrow the money in order to get it. Faced with that fact at this time, when confidence is gone, when business does not know where it stands, when thousands are out of employment, and the future looks black, is it wise for the Congress to have no regard for the psychological effect of passing bills without any monetary limitation whatsoever on them?

I wanted to say this before the vote was taken, but did not out of deference to the majority leader, who asked us all to cooperate in the interest of saving time. It was my hope that the Senate would take a different attitude than that which it has just taken. I did not want the opportunity to go by without pointing out the fact that, in my judgment, nothing is calculated to injure the farmer more than to help create the psychology of fear and uncertainty with which business is now confronted and to create a situation where new taxes are inevitable.

Tomorrow morning the people of the Nation will read their daily papers. They will find that Congress struck out a limitation which would fix the amount of money which could be appropriated under the proposed farm relief bill. They will find that there is no top or bottom to it. They will find that some say it may cost a billion dollars, some say it may cost only $500,000,000; others say it may cost $1,250,000,000. Coupled with that we have the expression of the President that we ought not at this time to appropriate more than $500,000,000 for agricultural relief; and all of us, particularly on this side of the aisle—and, I think, those on the other side of the aisle as well—are pretty much in agreement that the President's message was calculated to be and was helpful to the business people of the country.

I think it is most unfortunate that we have disregarded that message and disregarded the unimpeachable wisdom of it, because it was sound in every respect that there should be a limitation on any appropriation that we pass. If the country is to believe that Congress has no regard for appropriations when deficits of $1,000,000,000, $2,000,000,000, or $3,000,000,000 have been part of the Nation's economy for the past 3, 4, 5, 6, or 7 years, and when now we are facing an era, the outcome of which none of us can predict, which is full of portents of disaster—if the country is to believe that we have no regard to the limitation on an appropriation—our action with respect to this bill is not going to help the business of the country; and if it is not going to help the business of the country, it is inevitably going to hurt the farmer.

I want to appeal to my friends who have constantly stood by the President in his recommendations—I have not done so in some cases; sometimes I have—I want to appeal to them now and say that nothing is more important, in my judgment, than the statement of the President that we ought not to appropriate more than $500,000,000 unless we are prepared to levy new taxes to take care of any amount over $500,000,000. I am going to ask them not to desert the President now in his recommendation, particularly when business all over the Nation is in such a precarious condition. It seems to me that that is the way of good sense; that is the way we shall eventually get out of this depression; and it would be doing an injustice to the leader in the White House to leave him with a bill with no top or bottom on it, which may cost twice as much as the amount he recommended.

I think psychologically it is bad. I think it is going to hurt the farmer to pass legislation in this way. I think it is going to instill more fear in business, when business wants confidence, and wants to know where it stands, and wants to know what the Federal Government proposes to do. It seems to me the time has come when we ought to address ourselves to putting some business into the conduct of fiscal affairs by the Government.

I am very sorry that the amendment to the committee amendment was not adopted, and I feel that the action taken by the Senate in agreeing to the committee amendment has presented a problem to me as to whether or not I shall be justified in supporting the bill.

Mr. BANKHEAD. Mr. President, it is very gratifying, of course, to find the Senator from Maryland so enthusiastically supporting the President on this occasion. I extend to him the right hand of fellowship. I am glad he has climbed in the boat, and I hope he will ride in the boat even when the farmers are not involved.

Mr. President, I cannot see any reason for the alarm manifested by the Senator from Maryland, who is a member of the Appropriations Committee. I also happen to be a member of that committee. The Senator from Maryland well knows that the Appropriations Committee does not feel any moral obligation or legal obligation to follow in all instances, and to the full limit, authorizations made by the Congress. I remember the time in the last session when the distinguished Senator from New York [Mr. COPELAND], now presiding, was interested in certain appropriations for the Air Service, when, instead of making them immediate, some contractual arrangement was made which left the appropriations to be completed by subsequent legislation if Congress saw fit to do so.

I myself in the last session was interested in an authorization increasing the funds for the Extension Service. Congress passed the authorization. The Senate Appropriations Committee—and I think the Senator from Maryland took part in the proceedings—declined to grant the appropriation for the full amount that Congress had just authorized to be appropriated, and the full amount was not appropriated.

What the Senate did today it did yesterday, Mr. President. There has been no alarm about it today. We do not find today any great, screaming headlines because of the action taken yesterday. Yesterday we voted on the Vandenberg amendment, which proposed a limitation of $500,000,000 as the total amount to be available. There was really taken yesterday, by vote of the Senate, the same action that just now was taken again, to the apparent consternation and dismay of the Senator from Maryland.

Mr. President, I am in accord with the Senator's views on the subject of increasing appropriations at this time. I have frequently stated since this debate started that I did not advocate at this time an increase in the appropriations for carrying out this program.

On the other hand, Mr. President, I have felt, and I have indicated, that as time passed, and as possibly the condition of the farmers grew worse in comparison with the condition of the industrial organized laborers, Congress might feel it incumbent upon it to increase the appropriations made for the benefit of the suffering farmers, even if it became necessary—and doubtless it will become necessary—to levy additional taxes for that purpose. If, under the constantly changing conditions of agriculture, it is desired later in this session, or at some subsequent session, to levy additional taxes for the benefit of the farmers, why should it be necessary to pass two bills, separate and distinct, one authorizing the additional appropriation, the other making the appropriation?

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Alabama yield to the Senator from Texas?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. If the views of certain Senators are correct, that the Senate is obligated either morally or legally to appropriate the full amount of authorizations, why should we ever have any appropriations? Why not simply authorize the amount, and automatically that would be the amount fixed?

Mr. BANKHEAD. That would be the result of it.

Mr. CONNALLY. That is contrary to all our practice.

Mr. BANKHEAD. Yes.

Mr. CONNALLY. The action criticized does, as a matter of fact, provide a double check. We authorize the amount, and simply make it then in order for the Appropriations Committee to appropriate it or not, as it sees fit.

Mr. BANKHEAD. We leave it to the Budget Director, to the Appropriations Committee, and to the man in the White House.

Mr. CONNALLY. If the authorization were the final word, and that much money had to be used for the purpose, there would be no sense in going over the matter again through the Appropriations Committee.

Mr. BANKHEAD. I absolutely agree with the Senator; but it has been stated here by the authors of the bill, by members of the committee who have sponsored the bill, and by friends of the bill from time to time, almost from the time the debate upon the bill was opened upon the floor of the Senate, that there is no present purpose to obligate Congress or obligate the administration to increase the amount now made available under the bill. We have all understood that the President is extremely anxious to balance the Budget. Personally, I am in full accord with his views. I wanted him to take that position sooner than he did. I stood here last year and voted on the relief bill for the Byrnes 40-percent requirement, in the hope that many sponsors of projects would not put up the 40 percent, and therefore the Government's expenses would be reduced. I voted for the Robinson 35-percent requirement. I was prepared to vote to reduce the billion and a half of general relief appropriations. So it is no new position with me. I am glad we are heading toward a serious, genuine, earnest effort to balance the Budget of our country.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. BANKHEAD. I yield.

Mr. HATCH. The Senator was discussing the attitude of the members of the Agricultural Committee with regard to the appropriation authorized or desired by those advocating this bill. I know what the Senator's views are, and I know what the views of the committee were; but in order that the Appropriations Committee may have full knowledge of the view entertained by the Agricultural Committee, I ask the Senator from Alabama what sum the members of the Agricultural Committee had in mind would be provided for carrying out this bill in the event no additional taxes were authorized.

Mr. BANKHEAD. Does the Senator mean including the Soil Conservation Act?

Mr. HATCH. Yes.

Mr. BANKHEAD. The Agricultural Committee had in mind—and I think it was unanimous in regard to the matter, so far as I know, although some members would have

liked to appropriate more money—that under existing conditions the Appropriations Committee would be requested to appropriate only the sum of $500,000,000 heretofore authorized under the Soil Conservation Act, plus the $100,000,000 for a revolving fund under the loan program, which is not intended as an appropriation to be expended, but merely as a capital asset to back and be a basis for loans from the banks and otherwise in making loans upon agricultural commodities. We did not intend to increase by one dime, by virtue of this general authorization, the amount now appropriated for carrying out this bill and the Soil Conservation Act.

Mr. HATCH. Yes; and if the Senator will yield further, I merely wish to add my own testimony to that given by the Senator from Alabama and say to the Appropriations Committee that there is no desire whatever on the part of the Agricultural Committee to shirk any responsibility. We are perfectly willing for the Appropriations Committee to know that the limits which the Senator from Alabama has just stated are the limits which the Agricultural Committee had in mind at the time the amendment was written into the bill; but we did not want to be frozen to that particular sum in the event Congress should afterward otherwise authorize additional appropriations.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield to the Senator from Georgia.

Mr. RUSSELL. As a member of the Appropriations Committee and charged with the responsibility of handling the agricultural bill, I anticipate that when the bill providing appropriations for carrying out the terms of this bill reaches the floor of the Senate next April or May doubtless amendments will be offered to the bill which will provide appropriations considerably in excess of those indicated by the Senator from New Mexico and the Senator from Alabama.

I sincerely hope that when those amendments are presented on the floor of the Senate the members of the Committee on Agriculture and Forestry will be as zealous in protecting the estimates which are submitted as they have shown themselves to be here today.

As evidence of my confidence in their good faith, I have voted with the members of the Committee on Agriculture and Forestry to leave this bill without limitation as to the amount that may be appropriated. It is possible that from some source additional funds will be made available, and I did not think it wise to put in the bill a limitation which would prevent those sums being appropriated without an amendment to the basic law.

Mr. BANKHEAD. Mr. President, the Senator from Georgia who has just made that statement is, as most of us know, chairman of the subcommittee of the Committee on Appropriations having charge of the bill for the Agricultural Department. As a member of the Committee on Agriculture and Forestry, I shall be glad in the Committee on Appropriations to take the same position that I have taken here and help hold this appropriation within the limits indicated, the main reason for that position being because we know that without additional taxes having been levied and having been made a certainty the President will not approve either this bill or an additional appropriation for carrying out this bill. Therefore no true friend of agriculture, if he believes the statements of the President upon that subject—and I do believe them 100 percent—wants to take the risk of having this bill vetoed or having any appropriation bill vetoed by reason of having additional appropriations not supported by additional taxes.

Mr. President, in conclusion, I desire to make note of the fact that the Senators who seem most concerned about additional appropriations are those who are not for this bill and who do not want to see it passed in any form.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. BANKHEAD. I yield.

Mr. McNARY. I think the Senator's statement is a logical one in view of the candid remark the Senator made on the floor in the discussion with the Senator from Oregon last week, when the Senator from Alabama said he did not expect parity payments to be made to cotton producers this year.

Mr. BANKHEAD. At this time.

Mr. McNARY. Yes; at this time. So I assumed from what the Senator said—and I am in accord with his candid and fair statement—that he would advocate a limitation of $500,000,000, part of which only this bill carries.

Mr. BANKHEAD. On this year's appropriation.

Mr. McNARY. On this year's appropriation.

Mr. BANKHEAD. Unless additional taxes in the meantime have been levied.

Mr. McNARY. Then I ask this question: That, then, would exclude all parity payments for any of the commodities mentioned in the bill for this year, would it not?

Mr. BANKHEAD. I do not know what the Senator means when he says "parity payments." If he means payments on parity, the bill does not exclude them. I think the Senator ought to make that distinction.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. TYDINGS. Mr. President, I move to strike out the last sentence in the pending amendment.

The PRESIDING OFFICER. Is that in accordance with our rules?

Mr. TYDINGS. I think so. I am offering an amendment to the pending amendment.

Mr. BARKLEY. Mr. President, let us see just where we stand on this rule.

Since I have been a Member of the Senate, a pro forma amendment—a practice which prevails in the House—has not been recognized as an amendment upon which a Senator might speak.

Yesterday the Chair ruled that the Senator from Texas [Mr. CONNALLY] was in order in moving to strike out certain words of an amendment, while announcing that it violated the spirit of the unanimous-consent agreement to limit debate on amendments.

A committee amendment, it seems to me, is an amendment in the first degree. An amendment to that is an amendment in the second degree. Another amendment is an amendment in the third degree. If we are to adopt the pro forma rule in the Senate, we might as well understand that unanimous-consent agreements to limit debate are of no value whatever; and the occupant of the chair on yesterday so announced.

Mr. TYDINGS. Mr. President, in order to save time, I will speak on the bill.

Mr. BARKLEY. I simply want to save embarrassment in the future, because, if the Senate is to have any stated policy with respect to limitation of debate, it certainly would not be effective if any Senator could move to strike out the last word or any number of words in a pending amendment which was offered in the second degree, and we should never get anywhere in the limitation of debate.

I call attention to the matter simply in order that we may not get up a blind alley on that question.

Mr. TYDINGS. For the time being, I withdraw my amendment.

The PRESIDING OFFICER (Mr. COPELAND in the chair). The present occupant of the chair takes exactly the same view as that expressed by the Senator from Kentucky; but the Senator from Maryland is recognized to speak on the bill.

Mr. TYDINGS. Mr. President, I do not desire to prolong the discussion. I feel that I should like to say that I have been much reassured by the remarks of the Senator from Alabama [Mr. BANKHEAD], namely, that as the matter now stands he and the Senator from Georgia [Mr. RUSSELL], who is likewise on the Agricultural Committee, would not feel inclined to increase the appropriation for carrying out this bill beyond the $500,000,000 point.

Mr. RUSSELL. Mr. President, I wish to correct the statement that I am a member of the Agricultural Committee. I have not that honor.

Mr. TYDINGS. I beg the Senator's pardon.

Mr. RUSSELL. I serve on the subcommittee of the Appropriations Committee which handles the Agricultural Department appropriation bill.

Mr. TYDINGS. It seems, however, that we have taken a rather optimistic view of the new taxes we are going to raise, and the balancing of the Budget.

I doubt very much if it will be possible to balance the Budget now, even if we cut down appropriations. The number of unemployed is growing. I hope it will not continue to grow. I hope the unemployed will soon find positions again; but the naked truth is that unemployment today is increasing, and not decreasing. The naked truth is that business is not in a position, so it says, to go ahead; and the further truth is that the Government is going to have a deficit of at least a billion dollars at the end of this fiscal year. Whether we spend only $500,000,000 or less to carry out this bill, if we did not spend a cent of this money we should still be faced with a deficit of at least a billion dollars for this fiscal year.

Referring to the new taxes which we are going to raise with such ease, I can see Senators fighting for the opportunity to levy these new taxes on the people when the time comes to vote. I can see the taxes being levied on those in the lower brackets of the income tax. I can see every Senator here fighting with all the power at his command to increase the taxes on the lower brackets. I can see them voting extra taxes on commodities, until the time comes to vote new taxes upon the people; and then I think Senators will find that they will be singing a different tune. Then I think Senators will hear that the people are not inclined to accept new taxes without at least a vigorous protest. So, since we have a billion-dollar deficit staring us in the face, I should like to see a limitation of $500,000,000 put on this bill.

As I said in the beginning, I do not deny that there is a farm problem. The prices of farm products today are about what they were 20 or 30 years ago. The prices of everything the farmer has to buy are three or four times as much as they then were. There is a farm problem, and I am not criticizing the men who have attempted to solve it. The solution may not be what I should like, but it is the best that can be gotten. What I have risen to say is that with the country in the shape that it is in, there is no excuse for leaving to conjecture the question whether the amount to be expended annually under this bill will be $500,000,000 or a billion dollars.

Mr. BORAH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. TYDINGS. I yield.

Mr. BORAH. We have a provision now in the bill for $500,000,000 for the purpose of soil conservation.

Mr. TYDINGS. That is correct.

Mr. BORAH. If we should limit the amount to $500,000,000 what would be the use of passing the bill?

Mr. TYDINGS. The bill itself provides for taking 55 percent of the soil-conservation money and using it in one way, and 45 percent and using it in another way.

Mr. BORAH. Even though the farmer would have $500,000,000, all he could get under the bill would be soil-conservation payments.

Mr. TYDINGS. That is correct.

Mr. BORAH. That is all he would get if he complied with the provisions of this bill and of the Soil Conservation Act, but we would have no regulation, and that would be all.

Mr. TYDINGS. That is true. I do not want to inject my views into other States, but for my part I believe the farmers of my own State of Maryland would be perfectly well satisfied to proceed another year under the Soil Conservation Act. I think, however, in the Southern States there is a peculiar condition with the tremendous surplus of cotton, and that the southern farmer is entitled to be figured into the expenditure of the $500,000,000, so he can be relieved so far as possible without serious additional injury to the farmers who raise other crops.

But that is not the point. The point is that Senators say they will not favor a larger appropriation than $500,000,000 unless there are new taxes. We will need all the new taxes we can get to take care of the deficit of $1,000,000,000, and I think everyone is in favor of new taxes until the time comes to vote for them. I do not believe we are going to help the progress of the country very much by raising the taxes of the people and correspondingly cutting down their ability to buy.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from Alabama.

Mr. BANKHEAD. I have stated that I do not favor any new taxes at this time.

Mr. TYDINGS. The Senator has also stated that he does not favor more than $500,000,000 unless there shall be new revenue, so I take it the position of the Senator is that he is opposed to new taxes in the aggregate now, and therefore he is in favor of a $500,000,000 limitation, because if we increase the limitation we have got to increase taxes. The two things are inseparable, at least if we follow the leadership of the President.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. TYDINGS. I am glad to yield to the Senator from Virginia.

Mr. BYRD. With reference to the Senator's statement in regard to a deficit, I invite attention to the fact that on December 11 the deficit for this fiscal year was $740,000,000, and we have more than 6 months yet to go to the end of the fiscal year.

I further invite attention to the fact that the fiscal statement issued by the Treasury shows that up to this time in the present fiscal year we have spent $300,000,000 more than we spent in the corresponding period of the last fiscal year.

Mr. TYDINGS. I thank the Senator from Virginia for his accurate contribution to the colloquy. I selected the figure of $1,000,000,000, believing it to be ultraconservative. In my judgment the deficit will be in excess of $1,000,000,000. The point is that we will need new taxes some time. Perhaps this year, perhaps next year, perhaps 5 years from now, we are going to have to have new taxes if we are going to spend so much money, because there must be a limit to the time when we can go on with the expenditure of $1,000,000,000 or $2,000,000,000 a year which is not provided for and which we are borrowing in order to spend.

The President very appropriately called attention to the fact that he is desirous, without too much hardship, of making expenditures and income meet. He has asked us to cooperate with him. He further sent a subsequent message here in which he said in effect, "If you gentlemen insist on expending more than $500,000,000 on the agricultural program you will have to raise the extra money to do it." Now, no one is raising or proposing to raise the extra money to do it, and, Mr. President, you can take my word for it, no one is going to propose to raise the extra money to do it. There is going to be no increase in taxes of any consequence by this Congress, and every Senator knows it.

Who will venture to propose a new tax bill? I do not mean there may not be some adjustment of present taxes with a slight increase in revenue, but no billion dollars of new taxes are coming into the Federal Treasury and everyone knows it.

I should like to see the Senator who would come here and say, "I am the author of a bill to put a billion dollars of new taxes on the country." No one in the Capitol would take the responsibility for a tax bill that would put a billion dollars of new taxes on the people of the country. Therefore, I say, as we are spending money which we have not got, if our deficit is going to be in excess of a billion dollars a year—and it is, and heaven knows what emergency appropriations we may need in the way of relief, because we cannot see ahead for the next 2 or 3 months—if all of that is true, and it is true and cannot be denied, then what

right have we to pass a bill without limitation in it at a time when business is staggering, when unemployment is increasing, when deficit after deficit is being written on the financial books of the country year after year? What right have we, if we really want to contribute to the stability of America and the foundation under America in the end, to enact laws which at least psychologically, if not actually, are only going to undermine further the confidence of everyone as to where we are going and how we are going to get there?

I have no doubt the Senator from Alabama [Mr. BANKHEAD], who worked hard in the preparation of the farm bill and who at the same time is a member of the Appropriations Committee, will make good every statement he has uttered on the floor of the Senate. We will find his support in that committee. However, mark my words, the drive will come, if we pass this bill—and it will come from the South where the cotton farmer has all sorts of difficulties and where the paid lobbyists will stir it up—to increase that $500,000,000 to $600,000,000 or $750,000,000 or $1,000,000,000 without any new taxes. When the drive comes I shall be surprised if many of those who today feel they would not vote for anything but the $500,000,000 appropriation will find that on second thought, even without new taxes, they are going to have to make it $750,000,000 or $800,000,000 or $1,000,000,000.

Now is the time to lock that door, and certainly with our Federal finances in the shape in which they are now is the time to let the country know that our program will cost $500,000,000. Then we can tell, as members of the Appropriations Committee, what we shall have to appropriate in order to carry out the program.

Mr. President, I do not want to delay further the passage of the bill, and I am going to yield the floor with this assertion:

First. There will be a deficit of at least $1,000,000,000 this year. With a $500,000,000 farm bill it will be in excess of that.

Second. I suggest that no new tax bill raising any substantial amount of new revenue will be forthcoming.

Third. Leaving the amount indefinite on the assumption that we may have to appropriate $1,000,000,000 eventually is only catering to the downward trend of economic and industrial and business life all over the country.

Fourth. Mark my word that when the time comes to write that appropriation into the agricultural appropriation bill we will find a powerful lobby and a powerful spearhead here who will say that $500,000,000 is not enough; and Senators who now think they can dispose of this matter so easily in December 1937 are going to wish, in April or May or June of 1938, that the limitation had been placed in the bill, and it will be a miracle if the final appropriation bill goes through with only a $500,000,000 appropriation.

Mr. SHIPSTEAD obtained the floor.

Mr. FRAZIER. Mr. President, if the Senator will yield I should like to suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for that purpose?

Mr. SHIPSTEAD. I yield.

Mr. FRAZIER. I suggest the absence of a quroum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Byrnes	Graves	Lonergan
Andrews	Capper	Green	Lundeen
Ashurst	Caraway	Guffey	McAdoo
Austin	Chavez	Hale	McCarran
Bailey	Connally	Harrison	McGill
Bankhead	Copeland	Hatch	McKellar
Barkley	Davis	Hayden	McNary
Bilbo	Dieterich	Herring	Maloney
Bone	Donahey	Hitchcock	Miller
Borah	Duffy	Holt	Minton
Bridges	Ellender	Johnson, Calif.	Moore
Brown, Mich.	Frazier	Johnson, Colo.	Murray
Brown, N. H.	George	King	Neely
Bulkley	Gerry	La Follette	Norris
Bulow	Gibson	Lee	O'Mahoney
Burke	Gillette	Lodge	Overton
Byrd	Glass	Logan	Pepper
Pittman	Schwellenbach	Thomas, Okla.	Van Nuys
Pope	Sheppard	Thomas, Utah	Wagner
Radcliffe	Shipstead	Townsend	Walsh
Reynolds	Smathers	Truman	Wheeler
Russell	Smith	Tydings	White
Schwartz	Steiwer	Vandenberg	

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, a quorum is present.

Mr. SHIPSTEAD. Mr. President, I wish to take a little time to discuss the bill now before the Senate. First, I compliment the authors of the bill for the zeal they have shown both in the committee and on the floor of the Senate. They have been very earnest and patient during the consideration of the bill.

There are some particular features of the bill which I should like to mention. In the statement of policy the aims of the bill are enumerated and defined. For 5 years we have been trying to change the policies which brought on the depression. For 5 years we have been attempting to bring about a more balanced national economy. It was generally conceded a few years ago that the depression was brought on by an unbalanced national economy. It was generally conceded that, among other things, the most important cause of the depression was that during the 10 preceding years the income of the Nation had been gradually drifting away from labor and agriculture to industry and finance.

We had the report of the Department of Commerce when Mr. Hoover was in charge as Secretary of Commerce to the effect that even so far back as from 1920 to 1927 there had been such a change of income from labor and agriculture to industry and finance that finance and industry had had an increase of income during those years of 70 percent at the expense of agriculture, and that agriculture had lost 40 percent of its aggregate income as it existed before that period, and there was a loss of 30 percent in the aggregate income of labor compared with the income labor had enjoyed in the preceding period.

We have been trying to adjust that maldistribution of income. Since 1932 we have been attempting to change the policies. In fact, we began before 1932. Some efforts were made in 1931. In 1932, during the Hoover administration, we passed a bill creating the Reconstruction Finance Corporation. We appropriated $500,000,000 for relief, and the policy back of that legislation has been continued until this day. So far as balancing the National Budget or the budget of the individual is concerned, we are in very much the same boat we were in 1932. There has been some improvement, it is true, but in the future we shall have to pay for that in taxes.

When the Congress passed the Soil Conservation Act at the last session, in my opinion, it passed the most constructive piece of agricultural legislation we have considered since I came to the Senate some years ago. Five hundred million dollars was authorized to carry out the purposes of that act. I think that is about as well spent an appropriation as Congress ever provided for. We are going to spend that not only for the purpose of assisting the farmer, which is incidental, but the great benefit will be that we are building up a national asset through the preservation of soil.

In the report of the National Resources Board 2 years ago the statement was made that in the United States there has been soil depletion, through erosion and constant use, which has destroyed a hundred million acres which cannot be reclaimed—an area equal to that of the States of Illinois, Ohio, West Virginia, and Maryland. According to the report, another 100,000,000 acres are going, and another 125,000,000 are threatened. In my opinion, the expenditure of this $500,000,000 should be confined exclusively to soil conservation.

Now, I wish to say a word about the provisions of the pending bill. There is one feature in the bill which I have never seen in any other agricultural bill. There is a provision for parity prices, and we have had such provisions before. We have now come to the realization that parity prices will not accomplish the purpose we are seeking to accomplish by raising the income of the farmer back to the

relative income he received during the base period, 1909 to 1914. We have been experimenting with this matter, and at last we have learned that parity prices will not bring the farmer the income which will put him on the relative parity he enjoyed during the base period. So, in the statement of policy in the pending bill, we have added another provision, a provision which calls for parity of income. We have now come to the point where we know that we can have parity of prices without having parity of income.

In substantiation of this, I wish to quote what the Secretary of Agriculture said on that subject in his report of 1937. He stated:

> Another principle in adjustment policy, often overlooked, should be kept in view. Agricultural programs must be judged by their effect on income—farm income and national income. This is not synonymous with their effect on prices. Income may be sacrificed through overemphasis on prices. Individual farmers know well that the reward for their season's work depends not only on the unit prices they receive for their commodities but on how many units of production they sell. This is true for agriculture as a whole and for its different branches. There is no point whatever in lifting prices above the purchasing power of the consumer. High prices sometimes may mean low sales. It is imperative to strike the golden mean, and to balance price against volume in such a way as to get the largest net return consistent with good farming practice.

Mr. President, what has been the purpose of farm legislation containing provision for parity prices and processing taxes, which we have enacted in the last few years, if it was not to give the farmer an income commensurate with what it is considered he was entitled to out of the national income? The purpose, which the pending bill is hoped to furnish the machinery to accomplish, is that the farmer may receive the share of the national income he received during the base period, which was 15½ percent of the national income.

The question is, Can we accomplish the purpose under the pending bill, and will we accomplish it under the bill? Will parity payments accomplish it? In addition to that, will the $500,000,000 paid for soil conservation accomplish it?

If the pending bill will not accomplish the purpose, and it will not, where are we to get the funds with which to raise the farmer's share of the national income to which in the pending bill we say he is entitled? Will we take it out of taxes? Are we willing to pay the cost, or are we willing to take the blame and cost of disaster if we do not give the farmer the status to which he is entitled?

In my opinion, the failure of the Congress in past years to give the farmer parity of purchasing power and that share of the national income to which he is entitled has cost the American people and the taxpayers very much more than it would have cost the taxpayers and the general population of the country if we had given the farmer that to which he was entitled.

It would have been much cheaper to put the farmer on a parity with the industrial and the nonagricultural population than it has cost to make a pauper out of the farmer.

If we want to live, we must pay the price. If we want to give the farmer something which is admitted to be a little bit better than nothing, we shall continue those policies which have brought the country to the condition in which it is today. The expenditures of public money for relief, the expenditures of public money to help business, is something that can be done of a temporary character or a temporary nature, but as a permanent program it can lead only to one end. Some day it must be paid for.

I know it is popular to ask for large appropriations and to be against all taxes. The tragedy is that the poor people seem to think they do not have to pay taxes. The Northwestern National Life Insurance Co. has made a survey of what the average man pays in taxes in the ordinary things he buys to maintain life, and it is found that about 15 cents out of every dollar goes to pay indirect taxes.

As I understand the purpose of the bill, it is to control production, to provide a normal granary, and to prevent surpluses. And so to control prices through the control of production and control of the surpluses as to be able to get a parity price for those agricultural products that are mentioned in the bill, and now limited, as I understand, to corn, wheat, and cotton. There are to be no benefit payments for any other crop. I may be wrong, and Senators may disagree with me—and I have never found any fault with any man who disagrees with me—but it seems to me that here is a problem in this bill, along with other problems, which bothers me.

Assuming that this bill will accomplish what it is hoped it will accomplish so far as concerns control of prices, maintaining parity prices, and controlling production. In the first place, I do not find any fault with those aims, but I call attention to what we shall probably have to face in that regard, in that, as the Secretary of Agriculture says—and I quote him indirectly—we shall meet purchaser resistance.

Another thing is that if the machinery provided in the bill shall so operate that we have no surplus—that we have a normal granary but we have no surplus—how will it affect the trade reciprocity which we promised to use to trade products out of the country to foreign countries? If we have no surplus we shall have nothing to trade because we will have nothing to sell. If we have a surplus, which we are trying to prevent when prices rise above parity, that surplus will have to be sold. Where are we going to sell it? We cannot sell it at parity price abroad because we cannot sell in a cheap market. We will have to sell at the price of the world market. If we sell at the price of the world market will we be charged with dumping on the world market? That is a problem which I think we ought to take into consideration.

I have been reading the CONGRESSIONAL RECORD and I have also searched in other places for information concerning this subject. I have received from the Bureau of Agricultural Economics, from the Department of Agriculture, from the Brookings Institution, and from the Department of Commerce statistics bearing upon this problem. These statistics are quite voluminous, and statistics and figures in large numbers are always bothersome and a bore. So I asked Dr. Stein, of the Bureau of Agricultural Economics of the Department of Agriculture, if he could have someone make for me a graph or a chart which would show more clearly the problem that we were trying to solve—the farm problem—so we can have it before us, in order that we may be able to understand the problem more clearly.

I know the chart was of great help to me, and I hope that some of my colleagues will look at this chart to see from where we come, where we have been, and where we hope to go as a result of the provisions contained in this bill.

Mr. President, the base period on which we have been basing our farm legislation since 1932 has been taken, in order to give to the farmer his share of the national income, to give him parity according to this base period, which was a period in the Nation's history since 1900, when the farmer was more on a parity than at any other time. During that period the farmer had 15½ percent of the national income, and if we carry out the purposes of this bill and succeed—if this bill will accomplish the purposes for which it is being considered—then we must restore, and it will restore to the farmer 15½ percent of the national income, whatever that income may be.

The black line on the chart refers exclusively to the percentage figures which I indicate. It has nothing whatever to do with the portion of the chart I now indicate. The years are shown on the chart. The figures to which I now call attention represent the national income we have had during the various years.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. McNARY. It occurs to me that the figures in the left-hand column represent billions of dollars. In 1909 and in 1912 the national income was around $57,000,000,000.

Mr. SHIPSTEAD. No, Mr. President. Is that according to the chart?

Mr. McNARY. I am simply trying to interpret the chart.

Mr. SHIPSTEAD. No; the farm income in 1909 was $28,000,000,000.

Mr. McNARY. I am speaking of 1909.

Mr. SHIPSTEAD. Yes; 1909.

Mr. McNARY. The chart starts with 1909.

Mr. SHIPSTEAD. Yes. That would be right; $28,000,000,000.

Mr. McNARY. Then I was trying to work out what the crooked line represented. It looks like a streak of lightning. What does that represent?

Mr. SHIPSTEAD. This line has nothing to do with anything on the chart except the figures on the right-hand side which indicate the percentage of the national income which the farmer has received.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. O'MAHONEY. As I understand the chart the "total" column opposite each year represents the total national income of all kinds received for all purposes during that year.

Mr. SHIPSTEAD. That is correct.

Mr. O'MAHONEY. The black spot represents the amount that the farmer received.

Mr. SHIPSTEAD. That is correct.

Mr. O'MAHONEY. And the jagged line to which the Senator from Oregon refers represents the rise and fall of the percentage of the black part of the column to the "total" column.

Mr. SHIPSTEAD. That is correct. The irregular line referred to refers specifically to the percentage of national income received by the farmer.

As will be seen, during the base period we had a very fine balance. At least it has so been recognized. Then came the days of "happy insanity," when agricultural income rose somewhat during the war years, and the industrial income and the nonagricultural income rose in greater proportion to such an extent that we entered upon the period when Secretary of Commerce Hoover's report said that during this period, 1920–27, industry had an income of 70 percent and agriculture had a loss of 40 percent of the national income.

Here is the year 1920. The agricultural income fell to about 12 percent of the national income from 1919. Then it gradually began dropping, until in 1932 the farmer received 5 percent of the national income.

Mr. President, if we are going to do what this bill proposes and what we have been talking about for 5 years, it seems to me that we must take this graph or get the percentages up to where the farmer has his relative share of the national income. The question is, How far from where we are now shall we have to go, and how much is it going to cost?

In 1936, including benefit payments, the farmer received approximately 9 percent of the national income, which is six points less than he is entitled to under this bill and six points less than he had during the base period. So it will be seen that we have a long way to go; and if we want to travel that way and achieve that aim, we must pay the price. As I asked before, are we willing to pay it, or are we going to take a chance of paying the cost of not restoring the farmer to the even balance and to his relative position, that we have decided and talked about for many years, that we must restore him to if we are going to have a balanced economy in the Nation?

There are some things about this bill that bother me. I assume that it will pass the Senate and go to conference, and it is stated that the conferees will rewrite the bill.

If that is the case—which I think is a very reasonable proposition—there are certain things which I want the conferees to bear in mind if we are going to carry out the program which we state in this bill to be the policy of the Congress. If we do not intend to do that at whatever cost, let us not try to fool the farmers, and say, "We give you something that will give you parity."

I am firmly convinced that parity prices will not give the farmer parity income, nor will benefit payments under the Soil Conservation Act give him parity income. The question is, How far can we go? We have had parity prices, you know, in the past few years. I have these figures from the Bureau of Agricultural Economics:

The price of corn was above parity from September 1936 to September 1937.

The price of cotton never reached parity.

The price of hogs in the fall of 1935 reached parity, though not for a long period, but remainded closed to parity through 1936, and exceeded parity through the period down to October 1937.

Beef-cattle prices almost reached parity in 1935, remained fairly close to the parity level through 1935, declined to some extent in 1936, and again reached parity in 1937.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. SHIPSTEAD. I do.

Mr. O'MAHONEY. I have observed that on numerous occasions during the course of his remarks the Senator has referred to the income of the farmer as such in a very understandable way, and I have been following his discussion with a great deal of interest. Now he is reading from some figures from the Bureau of Agricultural Economics tending to show the prices which have been received by certain kinds of farmers for their products.

The bill before us deals with a limited number of commodities. Is the Senator of the opinion that by the method of dealing with surpluses outlined in the bill, the method outlined in the bill for increasing the price to specific farmers, we can increase the price to all farmers?

Mr. SHIPSTEAD. I think it is claimed that the bill will do that. Personally I cannot see it. I must confess that I cannot see that it will.

Mr. O'MAHONEY. I come from a State in which the production of livestock, statistics concerning which the Senator is about to quote, is a very important industry. The people of my State are just as much interested in encouraging the farmer as are the people of any other State; but this bill does not deal, directly at least, with those who are interested in that particular commodity, and there are a score of other commodities which will not be touched by the bill. Therefore, unless it is demonstrated that by providing parity for the growers of cotton, wheat, corn, tobacco, and rice we are indirectly to provide parity also for other farmers, the bill cannot in justice be called a bill for farmers. It is merely a bill for some farmers.

Mr. SHIPSTEAD. I thank the Senator. I do not care to discuss that phase of the matter at the present moment, but I have given it a great deal of thought, and I must say that I have had that theory in my mind. I know that the feed of the dairy farmer will be more expensive. I do not know what he is going to do to have a differential increase to offset it; and the same thing is true of the poultry farmer. There is something in what the Senator says. The trouble is, there are usually two sides to every question, and that is something which bothers me very much in this case. There is nothing in this bill for the dairy farmer.

Tobacco reached parity in the 1936–37 marketing season.

The prices of most types of tobacco were above or quite close to parity in the 1935–36 marketing season.

The price of lambs and wool was above parity through 1937 to date. The price of wool reached parity in the late months of 1934 and the early months of 1935, then declined, but advanced above parity in 1936.

So, you see, with the exception of cotton and some commodities not mentioned in the bill, we have had at various times during the past few years parity prices without giving the farmer parity income.

To show how far we have gone, in the one year of 1909 the farmer had 16.8 percent of the national income.

In 1936, including benefit payments, the farmer had 9 percent of the national income. That is 6½ points below what, for 5 years, we have said we must raise the farmer to. Then the question is, Are we going to make provision to carry the matter through to that point? I am convinced that parity prices will not do it because they have not done it in the past.

I have here the figures of the prices which the farmer got under the processing tax and under benefit payments.

In 1933, including benefit payments, the farmer got $3,023,000,000.

In 1934 the farmer got $3,816,000,000. This is income available for living. There are three different ways in which some of these statistics are figured—either income available for living, or income produced, or income per individual on the farm, from whatever source. I have taken the figures available for living.

In 1934, as I say, the farmer got $3,816,000,000.

In 1935 he got $4,928,000,000.

In 1936 he got $5,725,000,000.

These amounts include benefit payments.

The farmer got benefit payments of $400,000,000 in 1936; but with all of the processing taxes and crop control and benefit payments, in 1933 he had 6.2 percent of the national income; in 1934 he had 6.4 percent of the national income; in 1935 he had 8.1 percent of the national income; and in 1936 he had 8.5 percent of the national income available for living.

In 1936 the American farmer, including benefit payments, had only 45 percent of the share of the national income that he had in 1909. In 1936, after all these benefit payments, processing taxes, acreage reduction, and crop control, without compulsion, even without compulsory regulation on many of these articles, he had parity payments without having parity income.

The cost has been mentioned here. How much will this cost? How much will it cost to raise the farmer's income from 8.5 percent of the national income to the 15.5 percent which he had during the base period? I do not know where Congress is going to get the money unless by taxes. The President said, and I think rightly said, that the appropriation of $500,000,000 was authorized, and if anything else was appropriated for agriculture, taxes must be levied. We shall either have to take the necessary amount out of taxes, or we shall have to provide some other method, some change of policy.

I have not the figures for 1937 because they are merely an estimate. Of course these figures are all estimates by these experts. They may be more or less wrong, but they are all that we have.

In 1936 the farmer had $5,725,000,000, including benefit payments. To give him the share to which the bill says he is entitled, and to which we have said he is entitled, and which we have based all our farm legislation on during the past 5 years—to give him the extra 7 points to which he is entitled, he will have all that he had in 1936, including benefit payments, and then he will have to have $2,750,000,000 more, if he is to be restored to the position in the national economy which he enjoyed during the base period which we have been talking about for the past 5 years.

It is said that it will cost too much. How much has it cost us to take the farmer away from that position? How much is it going to cost us to leave him in that position? It is said that this is price fixing, that this is control of production. Admit that it is; that is the national policy today in industry, in finance, in every activity of life. There is price fixing in every industry, either by law or by economic power.

We passed a bill under which a Government commission fixes the price of coal. We passed a bill under which the manufacturer may dictate to the retailer the price at which the retailer shall sell the manufacturer's product. The Senator from Montana [Mr. WHEELER] will bear me out in the statement that 2 years ago we had the steel and cement manufacturers before our committee to find out why the price of their products was uniform and why they raised prices when the Government started to spend money to give labor employment and to help business. There was one man who could tell us all about it, after all the others said they did not know why all prices were uniform on all contracts, both for steel and for cement. They said they followed the market; but there was one man who was man enough to tell us. He was the head of the biggest steel industry in the United States, the United States Steel Corporation, Mr. Irvin. When he was asked if he could explain the uniformity of prices, he said, "That is easy. I fix the price, and the rest follow me." Steel men and cement men have told me what would happen to them if they did not follow, through economic pressure; and they are operating under a policy of scarcity. They either get their price or they shut off production. It is very easy for them to shut off production, because they can cut expenses by turning their men out in the streets and keeping their plants closed until the public is willing to pay the price they ask. The farmer cannot do that. He has to feed his horses whether he produces or not. He cannot turn out his horses into the bare street, as the industrialists turn their laboring men out into the street. Of course, in connection with this policy of scarcity, we have high prices, and then we meet sales resistance, and the consumer has to pay more for less of a product and go broke.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. Yes; I yield.

Mr. WHEELER. My recollection of the facts with reference to the pressure is that steel showed an 80-percent reduction in production, and only about 6 or 8 percent—6 percent, I think—reduction in the price of the product, whereas agricultural income showed a decrease in price of about 80 percent, and something like 6 percent drop in the production in the United States. So that practically all during the depression the price of steel remained about 6 percent lower than it was, while the production dropped 80 percent, and just the reverse was the case with reference to the farmer's products.

Mr. SHIPSTEAD. Does the Senator have reference to the beginning of the depression?

Mr. WHEELER. This was over a period of several years, as I recall.

Mr. SHIPSTEAD. The years of the depression?

Mr. WHEELER. Yes.

Mr. SHIPSTEAD. That is correct. The production went down to 12 percent, and when the Governments—Federal, State, county, and municipal—started to buy steel and cement the price was immediately raised. It was handled in such a way that some of the prices of steel to the smaller manufacturers and dealers were raised as high as 800 percent. When one of the chief producers of steel was asked why they raised the prices, he said they had not made any money for so long that it was time they made some. They continued raising prices until they met with sales resistance, and we now have another drop in production and increase of unemployment.

It has to do with the policy of scarcity. It seems to me it is a vicious circle. If we now have the courage to restore the farmer to that economic position to which we have all said he is entitled and where we must place him if we are going to have a balanced economy and save our economic life we must pay the price but there is no sign that Congress will.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I understood the Senator to say that he perceives a vicious circle because industry is so organized that it can fix the prices of industrial products, the products which the farmer must buy; that industry is so organized that it can keep up prices and reduce its production. The answer to that is twofold: First, Government price-fixing upon the one hand, and, second, control of agricultural production on the other hand. Does the Senator believe that would put an end to the vicious circle?

Mr. SHIPSTEAD. No; I do not think so. This bill without sufficient funds to give parity income to the farmer will continue the vicious circle.

Mr. O'MAHONEY. I wonder if I may take sufficient of the Senator's time to suggest——

Mr. SHIPSTEAD. I do not know how much time I have left. May I ask, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes left.

Mr. SHIPSTEAD. I beg the Senator's pardon for not yielding further.

I have taken the time of the Senate, but I know Senators will believe me when I say I have not entered into the discussion from the standpoint of political partisanship. I have not done that today or any other time. I have tried to discuss the issues along the road whence we have come and to where we have to go, in order that we may come to the place where we say we want to go. The question is, Are we willing to pay the price? Are we willing to pay the fare? Or are we going to experiment with shots in the arm or primings of the pump? In the olden days we used to have considerable experience at times in observing the effect of hypodermic injections. While for the moment they make the people feel very healthy and optimistic, it is only a short time until the people have to have another one and in a larger dose.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SHIPSTEAD. May I take a few minutes on the amendment?

Mr. KING. Mr. President, may I be permitted, out of the 15 minutes to which I am entitled on the amendment, to ask the Senator a question so he may answer it?

Mr. SHIPSTEAD. I hope the Senator will do that.

Mr. KING. I ask the Senator in my time, and I hope he can answer, whether the philosophy of the Senator would not compel the conclusion that we must regiment everybody and everything, and does it not lead to complete totalitarianism?

Mr. SHIPSTEAD. The whole country, except the farmer, is regimented. I do not like it, but if it is to be the national policy to regiment everyone and anyone, and if the farmer wants to be regulated, he is just as wrong as any of the rest of them. Under our national policy, I may say to the Senator from Utah, we have traveled the wrong road since the days of the happy insanity which started us on this path. The farmer loses his income because those who have much have been, and still are, permitted by law to take it away from him.

Mr. President, I ask permission to include in the RECORD as a part of my remarks a table of statistics issued by the Bureau of Economics, Department of Agriculture.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

National income available for living, 1909–37 [1]

Year	Total	Farm	Nonfarm	Percentage farm is of total
1909	$25,787,000	$4,345,000	$21,442,000	16.8
1910	27,446,000	4,640,000	22,806,000	16.9
1911	27,790,000	4,229,000	23,561,000	15.2
1912	29,660,000	4,596,000	25,064,000	15.5
1913	31,349,000	4,573,000	26,776,000	14.6
1914	31,140,000	4,552,000	26,588,000	14.6
1915	32,403,000	4,808,000	27,595,000	14.8
1916	38,091,000	5,838,000	32,253,000	15.3
1917	46,290,000	8,903,000	37,387,000	19.2
1918	54,080,000	10,501,000	43,579,000	19.4
1919	58,966,000	11,598,000	47,368,000	19.7
1920	62,945,000	8,074,000	54,871,000	12.8
1921	52,790,000	4,327,000	48,463,000	8.2
1922	56,063,000	5,437,000	50,626,000	9.7
1923	64,474,000	6,551,000	57,923,000	10.2
1924	66,916,000	6,780,000	60,136,000	10.1
1925	71,129,000	7,151,000	63,978,000	10.1
1926	73,298,000	6,558,000	66,740,000	8.9
1927	74,338,000	6,702,000	67,636,000	9.0
1928	75,815,000	6,633,000	69,182,000	8.7
1929	77,866,000	6,722,000	71,144,000	8.6
1930	71,472,000	4,722,000	66,750,000	6.6
1931	59,843,000	3,007,000	56,836,000	5.0
1932	46,775,000	1,857,000	44,918,000	4.0
1933	44,209,000	2,745,000	41,464,000	6.2
1934	50,347,000	3,221,000	47,126,000	6.4
1935	54,749,000	4,430,000	50,319,000	8.1
1936	62,513,000	5,325,000	57,188,000	8.5

[1] Not including benefit payments.

Including benefit payments in recent years the farm income figures would be: 1933, 3,023; 1934, 3,816; 1935, 4,928; 1936, 5,725; 1937, 6,000 (in million dollars).

Mr. KING. Mr. President, I did not have the pleasure of listening to the entire address of the able Senator from Minnesota [Mr. SHIPSTEAD]. I understood, however, from the limited part of his address that I heard, that he contends that to carry out the idea of parity would cost about $2,000,000,000 or $3,000,000,000 in addition to the $500,000,000 carried in the farm bill, and he contends that in order to attain that parity we will be compelled to pay the price. Of course, "the price" means the imposition of $2,000,000,000 more of taxes upon the American people.

From the views expressed by the Senator I was led to believe that his position would lead to the policies now followed in Germany and particularly Italy; policies which subject the people to governmental control, fix wages and hours and limit production, and also fix the prices of all commodities. The philosophy governing authoritarian States is finding support in this as well as in other countries.

This philosophy is the antithesis of democracy; it is hateful to every man who loves liberty; and if it is to be imposed upon the American people it will inevitably result in revolutionary outbursts, if the American people have the spirit and courage possessed by our forefathers. There are some who are beginning to doubt whether that spirit is pervasive in all parts of our country. There are many who apparently desire to be controlled, to be regimented, to have some Federal department or agency or bureau control them, and determine what they shall do and what they shall think and speak.

If all business enterprises and agricultural activities are to be controlled by Federal authority, then it will be urged that labor should be controlled, wages fixed, and the entire economic and industrial life regimented by governmental authority. We should carefully weigh the plans and measures submitted for consideration and legislative enactment. We should reject every measure and oppose every policy that is hostile to democratic institutions, to the liberty and freedom of the citizen, the integrity of the State, and the Constitution of the United States, which stands as a bulwark for the protection of all citizens.

Mr. President, earlier in the day I attempted to speak for a few minutes on some of the costs of government and had not concluded my remarks when my time on the then pending amendment expired. I called attention to the fact that approximately 2,000,000 men are upon the Government pay roll at a cost to the Government of $2,000,000,000. I am concerned because, as a member of the Finance Committee, I have to try to determine whence the taxes are coming. We will be compelled at the coming session of Congress, notwithstanding the recession, notwithstanding the reduced income of the American people, to increase their taxes because of the enormous appropriations which we are called upon to make. But—and I do not want to be critical—Senators rise and advocate increased appropriations with no limitation upon the appropriations which we are to make.

Mr. President, I think the time has come for us to indulge in a little economy. Apparently the President, and I hope I am not misinterpreting him, has indicated that there must be a reduction in Federal expenses. He has indicated with respect to this bill that $500,000,000 will be the limit to which we should go. Yet the address of my friend the Senator from Minnesota [Mr. SHIPSTEAD], one of the thinkers of the Senate, indicates that he believes, notwithstanding the difficulties that will be encountered, the bill really contemplates a total cost of $2,000,000,000. The address of my friend from Louisiana [Mr. OVERTON] indicated yesterday that we must appropriate $1,000,000,000 to raise the cotton farmers to parity.

I was calling attention a little while ago to the appropriations and the receipts during a number of years. I had reached the year 1931. The receipts then from taxes were $3,846,000,000 and the expenditures were $4,748,000,000, a deficit of $1,147,919,455.

In 1932 the receipts were $2,593,897,000, the expenditures were $5,744,491,000 and the deficit was $3,065,256,000.

In 1933 the receipts were $2,667,000,000, in round numbers, and the expenditures $5,725,000,000, a deficit of more than $3,000,000,000.

In 1934 the receipts were $3,702,000,000, the expenditures $7,685,000,000, and the deficit nearly $4,000,000,000.

In 1935 the receipts were $4,451,000,000, the expenditures were $8,000,000,000 plus, and the deficit was $3,575,000,000.

In 1936 the receipts were $4,781,000,000, the expenditures were $9,547,000,000 and the deficit was $4,733,000,000.

In 1937 we had $6,000,000,000 of income—we increased the taxes more than $1,000,000,000—and our expenditures were $8,836,000,000, with a deficit of $2,815,000,000.

The estimated receipts for the present fiscal year are $7,293,000,000, but we are falling far below the estimated receipts. In my opinion they will not reach $7,000,000,000. Our expenditures will be, in my opinion, considerably more than $8,000,000,000, so we will have a deficit of more than $2,000,000,000. Yet on top of that we are now asked to appropriate, if we carry out the philosophy of the pending farm bill, at least $1,000,000,000 in addition to the $500,000,000, and if we adopt the philosophy of my friend the Senator from Minnesota [Mr. SHIPSTEAD] it would be an additional $1,000,000,000.

So we are now embarking upon a policy of restricting production; of course, to be followed by increased taxes in order to pay for that reduced production. I do not understand how we can expect a prosperous country, how we can lift the country out of the depression by reducing production. The President of the United States has indicated that one-third of the American people are ill-housed, ill-fed, and ill-clothed, and yet we are to reduce production and thus add to the number who lack food and clothing. The bill revives the indefensible policy of reducing production and of price fixing. It calls for the resurrection of that policy where we plowed under one-third of the cotton and one-third of other agricultural products, and where we threw into the rivers thousands of cattle and pigs though there were American people by the thousands and hundreds of thousands who lacked food and clothing.

If that is the kind of leadership we are to follow, if that is the kind of philosophy that is to be adopted then I submit the Government our fathers gave us is being changed. We would be abandoning democracy and those fine qualities which have manifested themselves in the lives of the American people, under which we have lifted our country to the heights where this Republic is the richest and most powerful and progressive country in the world.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Does the Senator from Utah yield to the Senator from Kentucky?

Mr. KING. I yield for a question.

Mr. BARKLEY. What method would the Senator suggest to get the surpluses the farmers produce, in the way of food or clothing or any other of the necessaries of life, to those who need them? Suppose we produce them and continue to produce them; how are we to get them translated into food and clothing for the benefit of those who do not have those articles?

Mr. KING. Mr. President, we had no difficulty in transporting the produce in the seventies, the eighties, the nineties, and in subsequent years to those who were in need. We had no difficulty in clothing and in feeding the American people. It is true that in some sections there may have been at times deficiencies in the income of the people, but the policy now advocated means reducing production, and when production is reduced, in view of the fact that one-third of the people now, according to the views of the President, do not have sufficient food and clothing, obviously it will be made more difficult for that one-third to get food and clothing. Food and clothing will be made scarcer, and when they are scarcer, they are dearer.

I have only 2 or 3 minutes remaining and can but imperfectly reply to the Senator. However, if we will adopt a wise and sound policy—remove the hand of the Federal Government from industry and labor, where it is needlessly and improperly and illegally imposed, there will be immediate increase in production, sufficient to meet the one-third deficiency of which the President spoke; the people will be fed and clothed, wages will be increased, and the entire economy of the country strengthened and improved. This condition will—to use the Senator's expression—translate the increased productions into the satisfaction of the needs and wants of the American people; prosperity will return and those now suffering from adverse conditions will have their positions reversed.

Better times will come to our country if we will relieve the people of some of the taxes which are imposed, if we will say to the American people, particularly to the business people of the United States, those who employ millions of our citizens, "We intend to give you a square deal. We intend that the Federal Government shall not adopt socialistic policies, or the policies of a totalitarian state. We are going to maintain democratic principles and a democratic form of government. We are going to say to the American people, those upon the farms and those in the factories, and wherever they are found, that they may go forward increasing production and expanding all forms of business." With a policy of that kind and a message of that kind we will find that factories which are now closed and factories which are employing a limited number, far less than they should employ, will expand their business, increase their production, increase the number of employees, and add to the wealth and resources of our country.

The PRESIDING OFFICER. The time of the Senator from Utah on the amendment has expired.

Mr. O'MAHONEY. Mr. President, it is a matter of great regret to me that the Senator from Minnesota [Mr. SHIPSTEAD] was compelled to abandon his discussion of the bill before he had completed an analysis of it. I am sure I speak the mind of every Member of this body when I say that the Senator from Minnesota is regarded as one of the most studious and objective Members of this body. I would like to have him given the opportunity, in my time if necessary, to pursue his discussion.

I wanted to ask the Senator what alternative he would suggest for the measure which is before the Senate at this time. But before propounding that question to him I wish to point out from his chart on the wall a rather interesting situation as, it seems to me, it has been developed by his discussion.

The Senator shows by this chart that the farm income began to rise about 1914 or 1915 in proportion to the national income of the country, so that in 1916 the farm income was, according to the chart, 15 percent of the total. In 1917 it was much greater, in 1918 much greater, and in 1919 and 1920 it was greater, and not until 1920 did it begin really to drop to a serious level. In other words, it is obvious from this chart that the farm income was at its greatest height at the time when we had markets abroad by reason of the war. Following the conclusion of the war and the resumption of agricultural production abroad, the farm income in proportion to the total income began to drop, until in 1921 it had reached a point which, according to this chart, is practically the same where it is now.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. SHIPSTEAD. The drop shown on the chart was not due to resumption of production in Europe. Europe was exhausted by the war, and it took Europe 10 years to come back to the resumption of production.

Mr. O'MAHONEY. If I may say so to the Senator, according to the chart, the farm income in 1919 represented almost 18 percent of the total income.

Mr. SHIPSTEAD. That is correct.

Mr. O'MAHONEY. According to the chart, in 1920 the farm income was approximately 13 percent of the total. The fall took place immediately after the war. Perhaps the resumption of production abroad had not been completed at that time; but we were not supplying the armies of Europe to the extent that we had been.

Mr. SHIPSTEAD. In the year 1920, indicated by the Senator on the chart, we exported the greatest amount of

agricultural exports we ever sent abroad in the Nation's history.

Mr. O'MAHONEY. That is correct.

Mr. SHIPSTEAD. The drop was not due to the fact that there was so much production in Europe. The production was here, and continued here, and we continued exporting. The Senator comes from a cattle country, and he remembers how the loans on cattle were called. I remember the Senator from South Dakota, Senator Norbeck, told me that the loans were called, and ranchers had to take their cattle into town in such quantities they died in the streets for lack of transportation.

Mr. O'MAHONEY. Yes; the policy of deflation was adopted in 1920.

Mr. SHIPSTEAD. I do not want to mention the name of a man who is dead, but he was a very powerful man in finance at the time, and he told a friend of mine the reason for the deflation and the reason for the calling of the loans. It was a bankers' deflation, and it was because Europe had no food; that is, they had not come to a normal production of food; they owed a great deal of money; they could not produce enough wealth to buy food at prevailing prices in the United States and have something left with which to pay interest. So, he said, we had to reduce prices to Europe so that we could feed the European people and have them save something so that we could get some interest. So we had to order this deflation, he said, and he stated that we had to take it out of somebody, and he said the question was, "Who can we take it out of with less harm than out of the farmers, because they can always keep something to eat, and they will not starve?"

Mr. O'MAHONEY. Whatever may have been the cause of it, the argument is exactly the same. It may be that the same amount of farm commodities was going abroad as before; it may be that the prices of those commodities were so reduced by reason of the policy of deflation to which the Senator has referred, but the point to which I am trying to call attention is that the American farmer had a large and satisfactory market for a time.

Mr. SHIPSTEAD. Oh, yes. He always had a foreign market until 1930.

Mr. O'MAHONEY. That large and satisfactory market was cut off.

Mr. SHIPSTEAD. Yes. It progressed gradually until the last blow came in 1930.

Mr. O'MAHONEY. And when it was cut off, the farmers' prices began to fall. Then, during the period from 1921 through 1924 and 1925, the proportion of the farm income began to go up again, and it leveled off. That was the period during which we thought we were enjoying prosperity in this country.

Mr. SHIPSTEAD. Yes; and we were making foreign loans then.

Mr. O'MAHONEY. Exactly. We were trying to maintain a market, even though at a low figure, but the foreign market was gradually being cut off because we had not been shipping as much abroad as before. Then, when the industrial recession began to set in, which finally terminated in the depression of 1932, the decline on this chart is clearly shown from 1928 and 1929 to 1932——

Mr. SHIPSTEAD. Yes.

Mr. O'MAHONEY. The farmer lost his market at home.

The question I wish to ask the Senator is whether or not it does not seem to him that the answer to the problem is not another "shot in the arm," to use the phrase which he aptly employed a moment ago, but a thoroughgoing, well-rounded program to stimulate consumption in the United States; in other words, to give the farmer the home market once more for his capacity to produce.

I ask the Senator whether in his opinion a measure which undertakes by curtailing production to maintain prices on a limited number of commodities is likely, in the circumstances, to provide the market which this chart so clearly shows the farmer must have for all products if his price is to improve and if his share of the national income is to be restored.

The Senator was good enough to indicate to me a moment ago that he would suggest what his alternative is.

Mr. SHIPSTEAD. Mr. President, I think it is true of a nation, as it is true of an individual, that if a nation is sick we should try to find out what policies have been pursued which made the nation sick. If a man is sick, a doctor tries to find out what he has done to make him sick. Sometimes it is difficult to make a diagnosis, as the Senator from New York [Mr. COPELAND], who has done me the honor to listen to my remarks, knows.

It seems to me that the policy we pursued brought on the depression and took from the farmer his share of the national income, and we are still pursuing it.

Mr. President, I think the high tariff had a great deal to do with it. Behind that we had monopolistic practices, price fixing by the monopolies, and I think that was about as potent a factor in driving the farmer to the wall and into poverty and bankruptcy as anything. Of course, other factors entered into the situation. We had a raise in freight rates in 1920. Now, in order to do something for the railroads, it is proposed that we shall give them a 15-percent increase. That means 30 percent to the farmer. That is a tax on the transportation of his product, and he pays the freight both ways. If that freight raise goes into effect, I venture to say it will take away from the farmer any benefits he may receive under the terms of this bill.

Mr. President, it is said we must help business. Who received the money paid out as the result of Government spending in the past 5 years if it was not big business? Who was in position to fix prices and profits on cement, steel, and other commodities that went into work done under the Works Progress Administration and P. W. A. and other administrations? Big business does not pay any taxes. They are the collectors of taxes. They add the taxes to the cost of their product, and they hand it over to the Government as a sort of a license fee in order that they be permitted to go on and rob the people through high prices, just as the pirates in the olden days received letters of marque from the king, permitting them to go out on the seas and rob vessels, and the king protected those robbers so long as they gave him a part of the loot. That is about all the corporation taxes amount to so far as the monopolies of the country are concerned. They do not pay any taxes. They are the collectors of taxes. Under that system whereby public money is siphoned out of expenditures for public contracts, by way of increased prices that these people charge the Government and citizens by increasing prices of materials used in connection with Government contracts and necessities of life, we still have the same maldistribution of income, the same maldistribution of wealth.

We say we will take it away in taxes, but under that system if we take all they have, and if we continue that policy, the people are going to be more and more deprived of their possessions and their income until the whole population is pauperized, and the Government will have to take money from those who have taken it from the people, and feed the people. Then the man who goes out and promises the biggest relief will get the most votes, and that will destroy any government.

It cannot be a permanent policy. We shall either have to abolish or reduce our tariff and give the farmer a chance to buy in a market in which he used to sell. He has been selling in a cheap market and buying in a dear market. We must eliminate monopoly, price fixing, and robbery of the people because of high prices charged by monopolies. We must do those things or we shall have to carry out the provisions of this bill and take from the taxpayer enough money to restore the farmer to the position to which we say he is entitled. Or another alternative is to pay soil-conservation payments large enough to give the farmer parity income or dissolve monopolies, restore competition to industry on a combination of these things. When I can again get time I shall elaborate.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me for a moment. I have the floor.

Mr. SHIPSTEAD. Yes; I beg the Senator's pardon.

Mr. O'MAHONEY. I wanted to invite the Senator to pursue this thought. Is it not a fact that by reason of the program which lies at the bottom of this bill the monopolistic price fixer, the master of industry, will himself suffer, because the total farm income is curtailed with the curtailment of production; so there is a vicious circle operating the other way as well as in the manner which the Senator indicated a moment ago.

Mr. SHIPSTEAD. I think the industrialist is suffering now.

The PRESIDING OFFICER. The time of the Senator from Wyoming on the amendment has expired.

The Senator from Colorado [Mr. JOHNSON] has offered an amendment modifying the committee amendment, which will be stated.

The LEGISLATIVE CLERK. On page 79, line 4, after the word "year", it is proposed to insert the following:

Provided, That sums due and payable under the Soil Conservation Act for payments and practices as to crops other than corn, wheat, and cotton, shall not be diminished by reason of such diversion of funds.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado to the committee amendment.

The amendment to the amendment was agreed to.

Mr. BORAH. Mr. President, what amendment are we now considering?

The PRESIDING OFFICER. The committee amendment beginning in line 24 on page 78 and going to line 4 on page 79, as amended by the amendment offered by the junior Senator from Colorado [Mr. JOHNSON].

Mr. BARKLEY. Mr. President, in view of the fact that an amendment probably will be offered a little later to that committee amendment, I ask that it go over for a little time while we are working out that amendment.

Mr. ADAMS. Mr. President, perhaps an inquiry regarding legal status, which was suggested once before, should be made at this time.

This amendment makes available for parity payments any appropriation for any year after July 1, 1938, up to 55 percent, if made for soil conservation and domestic allotment. I am inquiring of the authors of the bill as to the legal status of a provision in this bill seeking to allocate appropriations made in appropriation bills which have not been passed. If, by an appropriation bill subsequently passed, a certain amount of money is designated for a certain use, can a bill of this kind, if passed, divert the money from the use for which it is then designated?

In other words, to illustrate my inquiry by a more extreme case, if the Appropriations Committee and the Senate in 1940 should make an appropriation for battleships, could this session of Congress in such a bill as we are now considering provide that 55 percent of any money appropriated in any year for the construction of battleships can be and must be diverted to the payment of parity payments?

I was led to make the inquiry by comments of the Senator from Texas [Mr. CONNALLY] earlier in the day when he said that the Appropriations Committees need never be uneasy over their authority or their obligation, because they were not bound by any declarations which were made in this bill; that their discretion continued, and that even though authorizations for appropriations were made, final action depended upon the decision and judgment of the Appropriations Committee.

I am not objecting to the provision under discussion. I am merely inquiring whether or not in the farm bill we can dispose of appropriations to be hereafter made, not next year only but in any year.

That is, if we said in 1940 that we think $700,000,000 or $1,000,000,000 should be appropriated for soil-conservation purposes, and that were the genuine intention of the Senate and the Appropriations Committee, this amendment, regardless of what the Senate might then mean and regardless of what the Appropriations Committee might then mean, would divert 55 percent of that money to parity payments, if the provision is a binding one.

It may be that no parity payments will be required. We are hoping that there will be no occasion for parity payments. But by this amendment we are seeking to divert, regardless of the need for it, 55 percent of moneys appropriated in any year for the payment of parity payments. So I am questioning in part the wisdom of the long-time diversion, and I am asking whether or not these provisions will carry out the purposes of those who have them in mind, and will protect the funds for the use to which the sponsors of the bill wish to put them.

Mr. BORAH. Mr. President, I understand that an amendment is to be drafted to take the place of the committee amendment now pending. Is that correct? I understood the Senator from Kentucky [Mr. BARKLEY] to say that an amendment was being drafted to take the place of the committee amendment.

Mr. BARKLEY. No, Mr. President; an amendment is being prepared in addition to the amendment of the committee, not to take its place.

Mr. BORAH. Mr. President, I desire to call attention a little further to this amendment. It says:

There is hereby made available for parity payments with respect to cotton, wheat, and field corn under this act for any year commencing on or after July 1, 1938, 55 percent of all sums appropriated for the purposes of sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, for such year.

Then the amendment was amended by the able Senator from Colorado [Mr. JOHNSON]. I ask the Senate to consider what takes place with respect to the provision on page 7, line 6:

Soil Conservation Act payments shall, if the farmer is eligible to enter into an adjustment contract, be paid to him only if he has entered into such a contract.

If a farmer who is interested in conservation, who has a program of conservation, does not enter into a contract, he would by this amendment be cut out of any conservation support entirely.

Mr. POPE. Yes; except as I pointed out briefly; the so-called Conservation Act payments will be received by him. The payments formerly known as class 1 payments will be eliminated, and parity payments will be made to him. If he is eligible to cooperate, but has not cooperated at all, he will not get the soil-conservation payments.

Mr. BORAH. Of course, if he has not cooperated at all, he is not entitled to soil-conservation payments.

Mr. POPE. That is true.

Mr. BORAH. But if he has cooperated under the Soil Conservation Act, and does not see fit to cooperate under the bill now under consideration, he is cut out from any support under this amendment.

Mr. POPE. Yes; that is, as to class 1 payments.

The PRESIDING OFFICER. Without objection, the committee amendment beginning in line 24, on page 78, and ending in line 4, on page 79, will be passed over.

The question now recurs on the committee amendment on page 79, beginning in line 17, subsection (d), which will be stated.

The LEGISLATIVE CLERK. On page 79, line 17, it is proposed to strike out:

(d) The Secretary shall determine the character and necessity for its expenditures under this act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds and such determination shall be final and conclusive upon all other officers of the Government.

And to insert the following:

The Secretary shall determine the character and necessity for expenditures under this act; the Soil Conservation and Domestic Allotment Act, as amended; and the Sugar Act of 1937; the manner in which they shall be incurred and allowed, the persons to whom payments shall be made including the persons entitled to

receive the payments in the event of the death, incompetency or disappearance of the persons who otherwise would have been entitled to receive the payments, and shall also prescribe voucher forms and the forms in support thereof, without regard to the provisions of any other laws governing the expenditure of public funds, and such determinations and forms shall be final and conclusive upon all other officers of the Government.

Mr. BYRD. Mr. President, I have offered an amendment to that section, which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia to the amendment of the committee will be stated.

The LEGISLATIVE CLERK. On page 79, beginning with line 17, it is proposed to strike out all down to and including line 10 on page 80.

The PRESIDING OFFICER. The Chair will advise the Senator from Virginia that the parliamentarian states that it will be necessary for the committee amendment first to be acted upon, and the section perfected, before a motion to strike out the entire section will be in order.

Mr. BARKLEY. Mr. President, I understood that the committee was going to suggest the elimination of this committee amendment. It might simplify the situation and save a good deal of time if that were done.

Mr. POPE. Yes, Mr. President; I said to the Senator from Virginia the other day, when he brought up the matter, that I was perfectly willing that his amendment should prevail; in other words, that this portion of the bill should be stricken out.

Mr. BYRD. That statement applies also to section (e), which relates to the same matter.

The PRESIDING OFFICER. The Chair will say to the Senator from Virginia that since section (e) is an original section of the bill, an amendment to it would not be in order at this time, inasmuch as the Senate, under an order heretofore made, is now considering only committee amendments.

Mr. POPE. Mr. President, since this is a committee amendment, the purpose of the Senator from Virginia, as I understand, could be accomplished by the Senate refusing to adopt the italicized portion of the committee amendment, and striking out subsection (d). Is not that correct?

The PRESIDING OFFICER. There seems to be no objection to striking out the section.

Mr. VANDENBERG. Mr. President, when this section was up before I asked for certain information respecting it, and I should like to ask for it again before any action is taken. I desire to know what additional powers the section gives the Secretary of Agriculture with respect to the Sugar Act of 1937.

Mr. POPE. If it is to be taken out, it makes no difference. However, I think it would be a legal question as to what powers would be given under this section with respect to disbursements under the Sugar Act. I see no reason why this sort of a provision could not be made in this bill; it would amount, in effect, to an amendment to the Sugar Act; but I have not given the matter further consideration, because I agreed with the Senator from Virginia that the whole matter might be stricken out.

Mr. VANDENBERG. The Senator means that this reference to the Sugar Act is to be entirely eliminated?

Mr. POPE. Yes; the whole section.

The PRESIDING OFFICER. If there is no objection, both the language of the original text and the proposed committee amendment to subsection (d) on page 79 will be stricken from the bill.

Mr. McNARY. Mr. President, I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. McNARY. Is the language stricken out from lines 17 to 23 to go out with the italicized language?

The PRESIDING OFFICER. All of the language appearing on page 79, commencing at line 17 down to and including line 10 on page 80, is stricken from the bill.

Mr. BYRD. Mr. President, while section (e) is part of the original text, I ask unanimous consent that the amendment proposing to strike out that section be now considered, because it relates to the previous section.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia that the Senate now consider the amendment proposed by him to section (e), appearing on page 80? The Chair hears none, and the amendment will be stated.

The LEGISLATIVE CLERK. On page 80, it is proposed to strike out all of subsection (e) and in lieu thereof to insert the following:

(e) The Secretary shall at all times maintain complete and accurate books of account.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BYRD. Yes.

Mr. BYRNES. I understood that the Senator was not going to ask for the insertion of that language.

Mr. BYRD. I think it is immaterial.

Mr. BYRNES. It is immaterial and unnecessary. The Secretary has to keep books, anyway.

Mr. BYRD. It is governed under general law.

Mr. BARKLEY. Why does not the Senator move to strike out the whole subsection?

Mr. BYRD. I modify my amendment, and move to strike out the whole of subsection (e).

The PRESIDING OFFICER. If there is no objection, all of section (e), commencing on line 11, down to and including line 23, on page 80, will be stricken from the bill. The Chair hears no objection.

The clerk will state the next amendment of the committee passed over.

The LEGISLATIVE CLERK. On page 81, beginning in line 11, it is proposed to insert:

(h) No payment shall be made with respect to any farm pursuant to the provisions of this act and of sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, with respect to cotton, wheat, corn, tobacco, and rice unless, where the area of cropland on the farm permits and it is otherwise feasible, practicable, and suitable in accordance with regulations prescribed by the Secretary there is grown on such farm an acreage of food and feed crops sufficient to meet home consumption requirements.

The PRESIDING OFFICER. This amendment was passed over at the suggestion of the Senator from Oregon [Mr. McNARY].

Mr. BORAH obtained the floor.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BORAH. I do.

Mr. McNARY. I simply desire to state that I made that suggestion at the request of the Senator from Idaho, who now is about to address the Senate.

Mr. BORAH. Mr. President, I wish to ask the Senate to consider that amendment carefully. It seems to me a very important one, and it seems to me objectionable for two reasons: In the first place, the question of administration; in the second place, the question of authority to do this thing.

I invite the attention of the Senate to the fact that under no possible consideration could this section come under the interstate-commerce clause of the Constitution, for the simple reason that all of the transaction in question is domestic. The entire product is to be consumed on the farm. It is never to be taken off the farm. The language of the amendment itself shows that it must be regarded as purely a domestic matter, all of the product to be consumed on the farm.

Under what theory can the Government, without any regard whatever to the question of the interstate-commerce clause, deal with a subject of this kind?

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. ELLENDER. Is not that a condition imposed on the farmer, which condition is along the same lines as that imposed on him for diverting acreage so as to receive payments under the Soil Conservation Act?

Mr. BORAH. It is a wholly different proposition, for the reason that it is provided that—

> No payment shall be made with respect to any farm pursuant to the provisions of this act and of sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, with respect to cotton, wheat, corn, tobacco, and rice unless where the area of cropland on the farm permits and it is otherwise feasible, practicable, and suitable, in accordance with regulations prescribed by the Secretary, there is grown on such farm an acreage of food and feed crops sufficient to meet home-consumption requirements.

The amendment deals exclusively with what the farmer raises on his farm, what he eats on his farm, and not what he sells from his farm. I suggest that there is no possible way by which that product can be brought under the interstate-commerce clause of the Constitution. In fact, I do not presume any will contend to the contrary.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. BORAH. I yield.

Mr. SMITH. Even if it were practicable and constitutional, who would determine the feasibility of the farmer raising what he consumed in the way of milk, meat, vegetables, and so forth?

Mr. BORAH. Mr. President, this section does not deal exclusively with corn, wheat, or cotton, or tobacco, or rice. It undertakes to determine all the things which it is feasible to raise upon the farm for the purpose of feeding the persons who live on the farm, and the horses and cattle, and so forth, on the farm. This is all apart from the main purpose of the bill. We are now taking charge of the garden.

Mr. SMITH. That is the point I am making. I wonder if any of the Senators here have any idea of the cost that would be involved in our section of the country in providing pastures sufficient to raise the meat that the farmer would consume, and to raise the potatoes and the other vegetables that he would consume? I wonder if anyone has studied the practicability of any such absurd thing in a bill containing requirements of law which persons are to observe?

Mr. BORAH. I had a long letter on this subject from a man who has been a farmer for many, many years. The letter is a little too hot to read into the RECORD; but he goes into the matter and undertakes to demonstrate how utterly impossible it would be for him, situated as he is, and for the class of farmers of which he is one, to comply with this regulation, even if he himself were the sole judge of whether or not he had complied with it; but, in addition to that, he is not the judge of whether or not he has complied with it. He must comply with it under the rules and regulations of the Secretary of Agriculture.

Mr. BYRNES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. BORAH. I yield.

Mr. BYRNES. Does the Senator interpret that provision as meaning that the Department should adopt a regulation prescribing the kind of vegetables the farmer should be required to raise upon his place?

Mr. BORAH. I would not say that the Department could designate the kind of vegetables the farmer should raise; but the Secretary could say that the farmer was not entitled to his compensation under this bill unless he had produced on his farm the different articles which were necessary to feed his stock in sufficient amount to feed them. The Secretary might not say, "You shall raise cabbage instead of artichokes," but he could say, and should say, "You are not entitled to compensation under this act unless you have produced sufficient food upon your farm to feed your stock, to feed your family, and to take care of the domestic situation."

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BORAH. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. Suppose there were somebody in the Department who did not think a person was really getting properly fed unless he ate carrots or spinach: Would not the Department then be inclined to say that a farmer was not providing sufficient food if he did not raise any carrots or spinach?

Mr. BORAH. I think that is true.

The fact of the matter is that the able Senator who is the author of this amendment has in his mind a perfectly sound proposition, to which I agree—that the farmer, where he can, ought to produce what he consumes—but no one in the world can determine that except the farmer himself, knowing his land and the conditions under which he tills his land. To subject him to the rules and regulations of the Department as to the kind of foodstuffs he shall produce upon his farm in order to entitle him to compensation under this bill in my opinion makes the measure utterly impossible of execution; and bear in mind that before the Secretary of Agriculture could pay out any of this compensation, he would have to be satisfied that every farmer who was claiming it had complied with his regulations.

Mr. MILLER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. MILLER. Aside from other features of the bill, does the Senator think there is any authority of any kind or character for the enactment of this provision giving to the Secretary of Agriculture such authority over products which we do not attempt to deal with at all in the bill, and which are not moving in interstate commerce?

Mr. BORAH. No; I do not think there is any authority whatever for it. It is purely a domestic matter. It is purely an internal affair. It is purely local. The farmer must raise the commodity on his farm. He must consume it on his farm.

Mr. MILLER. Aside from the moral right of the Congress or the Government to attempt to dictate to a man, I do not see any reason or any excuse in the world for this provision being in the bill.

Mr. BORAH. Mr. President, I cannot see any reason for it, and it would require a tremendous additional expense in the administration of the bill. It would be a job separate and apart from all the others. After everything else has been concluded, the Department officials would have to be satisfied that the man had complied with this particular provision, making it necessary for him, before he could get his compensation, to have complied with this provision. I do not feel it necessary to detain the Senate. There is not a semblance of constitutional authority for it, and there is not a semblance of justification on any grounds for this amendment. It would wipe out the last vestige of independence on the American farm.

Mr. AUSTIN. Mr. President, I should like to apply to section (h) on page 81 the following language, which I think will have a familiar sound in the United States Senate. I will identify it after I shall have finished reading it:

> The Government asserts that whatever might be said against the validity of the plan, if compulsory, it is constitutionally sound because the end is accomplished by voluntary cooperation. There are two sufficient answers to the contention. The regulation is not in fact voluntary. The farmer, of course, may refuse to comply, but the price of such refusal is the loss of benefits. The amount offered is intended to be sufficient to exert pressure on him to agree to the proposed regulation. The power to confer or withhold unlimited benefits is the power to coerce or destroy.

Again:

> The coercive purpose and intent of the statute is not obscured by the fact that it has not been perfectly successful.

Again:

> It is clear that the Department of Agriculture has properly described the plan as one to keep a noncooperating minority in line. This is coercion by economic pressure. The asserted power of choice is illusory.

Again:

> If so, constitutional guaranties, so carefully safeguarded against direct assault, are open to destruction by the indirect but no less effective process of requiring a surrender, which, though in form voluntary, in fact lacks none of the elements of compulsion.

And I pass over to other familiar words:

> But if the plan were one for purely voluntary cooperation, it would stand no better so far as Federal power is concerned. At best it is a scheme for purchasing with Federal funds submission to Federal regulation of a subject reserved to the States.

And again:

> The Congress cannot invade State jurisdiction to compel individual action; no more can it purchase such action.

Mr. President, that is the language of the Supreme Court in the case of the United States against Butler and others. When we undertake by this committee amendment to withhold payment in this manner—

> No payment shall be made with respect to any farm pursuant to the provisions of this act and of sections 7 to 17 of the Soil Conservation and Domestic Allotment Act * * * unless * * * there is grown on such farm an acreage of food and feed crops sufficient to meet home-consumption requirements—

we are just fooling the people if we undertake to say to them that we vouch for the soundness and the constitutionality of this law. It seems to me it is perfectly absurd for the Congress to enact this amendment, which is so plainly an attempt to coerce every farmer, wherever he may be, who comes within the scope of the provisions of the bill, to follow regulations by the Secretary of Agriculture with respect to what foods he shall raise for his family on his farm and with respect to what feed he shall raise to be fed to his cattle.

Mr. GEORGE. Mr. President, I earnestly hope that those in charge of the bill will eliminate this provision. There are other kindred sections which have been proposed that can do nothing but weaken the legal foundations or the foundations upon which the validity of the bill must rest.

As an illustration, if we turn to the cotton section of the bill, we find a very well thought out scheme to regulate commerce in cotton. It is true that, assuming the power to regulate cotton in interstate and foreign commerce, the bill proceeds upon the theory that the Congress may reach back and do those essential and necessary things preliminary to the orderly regulation and production of the commodity for commerce, interstate and foreign. But that section of the bill undertakes to regulate commerce in cotton—that is, interstate and foreign commerce.

Is is of course permissible to take a view against the validity of the cotton title in the bill, but it does not follow by any manner of means that the courts will not sustain the validity of the title so long as it is confined to the regulation of interstate and foreign commerce. Once the power to regulate is conceded or is found to exist, then it must necessarily be very largely in the discretion of the legislative branch to say what antecedent things shall be done in furtherance of the regulation and control of commerce in the particular commodity which the Congress deems it wise to regulate.

But when the bill is loaded down with provisions of this kind it becomes obvious that it has no reasonable relation to interstate commerce, it has no possible relation to interstate and foreign commerce in corn, cotton, wheat, and tobacco; that it goes clear outside and undertakes to compel somebody to do something, not in any reasonable manner connected with commerce in any of the products named.

Exactly on the same basis is the proposal to say what shall not be done with lands from which we have already stripped the products which it is proposed to regulate in interstate commerce. In other words, when through an act of Congress which the courts may hold within the power of Congress to enact, regulating commerce in cotton, and when under the compulsion of that law the land has been stripped of cotton and cannot be planted in cotton, the proposal to prohibit the growing of other and unrelated crops on that land is exactly on a par and a level with the provision here. For the sake of sustaining the validity of the bill I express the hope that those in charge of the bill will eliminate from it, rather than include in it, all of those provisions which can serve no purpose beyond weakening the legal status or standing of the bill if it should become a law.

Mr. President, we ought not to desire to pass a bill relating to agriculture and hold out to the farmers the hope that we now have a bill which will pass the courts, and at the same time inject into it these inescapable evidences of a purpose wholly foreign to the regulation of interstate commerce or to commerce at all, because this particular provision, as the Senator from Idaho [Mr. BORAH] has pointed out, deals entirely with something grown on the farm and used on the farm and is not to be carried away at all. It is foodstuff and feedstuff for the farmer and his stock on the farm.

But Mr. President, that is not the most serious objection to this provision of the bill. The most serious objection to it, to be perfectly plain, is that the thought is in precise harmony with the 5-year program which was tried out some time ago in Russia. There is not a single syllable in this paragraph that is not in exact accord with the whole spirit of the 5-year farm program adopted by the Soviet Government of Russia.

What do we say? We are taking the taxpayers' money—and every little farmer has made his contribution to the money in the Treasury of the United States. He may not pay an income tax, he may not pay any direct tax, he may be a little tenant farmer who has nothing beyond the shirt on his back and the dingy bedclothing that he used at night, but he has paid his part of the tariff, he has paid his part of the hidden taxes which enter into the cost of living in America. It is proposed to take his money and offer it back to the farmer—and he is a farmer—if certain things shall be done voluntarily by the farmers.

Then another act comes along predicated upon the theory that we have the right to regulate commerce in certain commodities and impose very rigid civil penalties for violations of the rules and regulations and terms of the law, and we say to this little farmer, "If you do not do something with your land that perhaps you do not want to do with your land—perhaps it is not your judgment to do it with your land—we will take all benefits given farmers by the act away from you." There is no moral right to do it, to say nothing about the legal right.

It may be the farmer ought to grow enough feedstuffs and foodstuffs on his farm to support his stock and his family. I undertake to say that he should. But, Mr. President, I hope that my right arm will fall limp by my side should I dare say to the farmer, "You must raise enough of whatever the Secretary of Agriculture says is good for your family and for the beasts of burden on your farm or you cannot participate in a fund to which you have contributed in the sweat of your brow and which is offered to all farmers who do certain things. You cannot participate in it unless you do some other things that have no possible connection with the main objective and purpose of this legislation."

Mr. President, I do not understand, except that we have traveled so fast in the United States away from the concept of the rights of the individual, how this kind of a provision can be seriously proposed in the Senate of the United States. I grant that as a farmer I should raise my food and I grant that I should raise my feed on the farm. I have known good farmers who did not do it. I have known good farmers who produced what they wished to produce on the farm, and bought their feedstuffs. As a farmer I have tried to follow a different course.

But what moral right, to say nothing of the legal right, has the Senate of the United States to say that the taxpayer's money, which the Congress has said shall go back to a particular group of our fellow citizens, cannot reach those citizens unless they do what the Secretary of Agriculture says they shall do, not with respect to what we are trying to accomplish in the bill—that is to regulate commerce in cotton, rice, tobacco, wheat, and corn—but with respect to how they shall order their daily lives on their little farms.

What would the Secretary do if this provision should be left in the bill? Of course, he would issue an order pursuant to it in an effort to comply with it, which would be entirely unenforceable, but he would do so and he would say

that every farmer who came in and participated in any of the benefits and bounties that Congress had provided for the farmers of the United States must have a garden. He would probably say how many rows of asparagus and corn and potatoes and what not he should grow in that garden.

He would probably say how long the rows should be and how far apart they should be, that is, the width in the drill, and how many plants the farmer should put in the drill.

Can it be proposed that we lay down this sort of rules for American farmers, undertake to say to them, "You have to do so and so on your garden spots, on the little patch of ground on which you do not plant anything for the market, even the nearby town market. You are not even planting anything in your gardens and in your patches to sell to your neighbors. You have to do so and so in your garden and on your little family patches. You have to do what the Secretary of Agriculture says you may do."

The Secretary of Agriculture is a good man; he probably would not say they should do very much under the provision, but he would try to comply with the law. The shocking thing is that this is seriously proposed in the Senate of the United States.

Mr. President, I hope the committee will withdraw the provision. I do not want to make another argument on this provision or this kind of provision in the bill, but if I wanted the Court to strike the proposed law down, if I wanted to furnish evidence to the Court of the purpose to regiment the farmer and prescribe to the farmer what he should do and what he should not do in his garden and his patch, I would sit here and let this provision remain in the bill.

Mr. ELLENDER. Mr. President, I assume full responsibility for the committee amendment which is now under discussion, and I must say that I am just a little surprised at the position taken by the senior Senator from Georgia [Mr. GEORGE]. How he can conclude that this proposal is symbolic of or related to any plan in Russia is beyond my comprehension. I will not take the time of the Senate to discuss conditions in Russia—the much-talked-of 5-year plan—because it has no application to the issues involved in this debate. Our farmers are not forced to follow any of the regulations that we are suggesting for their welfare unless they desire to do so. We say to them only this: "We will reward you if you follow certain agricultural practices."

The able Senator from Idaho [Mr. BORAH] joins the able Senator from Georgia [Mr. GEORGE] in arguing that, because the entire product is consumed on the farm, and is never taken off the farm, and therefore never goes into the channels of interstate commerce, that this practice would make the provision unconstitutional.

The junior Senator from Arkansas [Mr. MILLER] takes the further position, in a question propounded by him to Senator BORAH, that because the bill would give the Secretary of Agriculture jurisdiction over products not covered by the bill, that this would affect the constitutionality of the amendment.

Mr. President, I cannot subscribe to those views because they are beside the question at issue. The amendment provides, in effect, that payments will be made under the bill to all farmers who grow cotton, wheat, corn, tobacco, and rice, provided they grow on their farm, if it is feasible, if it is practicable, and if the land is suitable, an amount of food and feed crops sufficient to meet home-consumption requirements. The Secretary of Agriculture is authorized to prescribe regulations as to the feasibility, the suitability, and the practicability of the farmer raising such food crops. The Secretary would not have authority to tell the farmer what to grow or what to eat, but simply to say to him, "Whatever you are able to grow on your farm and that you can and do use for home consumption, I expect you to produce it before I make any payments to you under the provisions of the bill." Should the farmer use cabbage, turnips, or any other food that he can grow, he would be expected to grow them if he can. He would not be compelled to produce a food that he does not use at home. The test would be whether he consumes it and whether his farm is adaptable to its growth.

In effect the amendment provides that the farmer should not buy any food for home consumption that he can grow at home on his farm. It reflects the much talked of "live at home" program, which I have been advocating for the past 20 years. Now, I believe I made it plain that this amendment simply imposes an obligation on the farmer before he should expect his Government to pay him money out of the Public Treasury. I contend that the obligation is a fair and reasonable one. It simply suggests to the farmer a road leading to his economic salvation, and for following that road the Government offers him a reward. It is needless for me to argue to the Senate that the Government cannot impose reasonable conditions before a gift is made to an individual or a political subdivision from the Public Treasury. It is done every day. Money is paid over to States for road building provided certain conditions are met by the recipients of those gifts. Under the social security plan the Government pays to those States that subscribe to certain rules and regulations prescribed in the law. Why, Senators, the very bill we are now considering imposes conditions that must first be complied with by the farmers before payments are made. Is it not provided that certain specific soil-building and soil-conserving practices must be adhered to by any farmer before he is amenable to any payments under the bill? Is he not, in effect, told that he must plant certain legumes so that his soil might be enriched before he receives payment? In that regard we are not dealing with specific methods contained in the bill, but only such as may be prescribed by the Secretary.

I ask the able Senators who oppose this plan on the grounds suggested whether the legumes that are planted to enrich the soil ever go into interstate channels? Can you not see that we have simply imposed certain conditions for payments, and this amendment represents one of those conditions and has no earthly connection with interstate commerce? Under the theory of the bill it is the overproduction of any of the commodities dealt with and not the obligations imposed on the farmers that interferes with or affects interstate commerce. The farmer simply makes himself eligible for payment by complying with certain conditions imposed.

It was my privilege to attend every meeting held by the subcommittee of the Senate Committee on Agriculture and Forestry, and I made it my business to find out how the farmers of the Nation feel toward the proposition that is now under discussion. Look at the record. Read the hearings and you will find no opposition to the plan. I wish to say to the Senate that there was no disagreement among the farmers as to the feasibility of this proposal. I asked one farmer if he would subscribe to the bill if I should incorporate the plan in it. His answer was, "I am for it; put it in the bill twice if you can."

The trouble today with a good many of the small farmers of the Nation is that they do not try to help themselves. Most of the food they buy they could grow at home. We interrogated many farmers and found that where there was some prosperity on the farm, and no suffering, usually the farmer grew his own living, and that, together with my own experience on my own farm, is what prompted me to suggest this provision to the committee.

I grant that if the amendment should be rigidly enforced it might cause some hardship, but I am perfectly willing to trust the judgment of the Secretary of Agriculture. He would not impose the obligations on those who could not perform. I know that this amendment would be inoperative in sections where it is dry and no vegetables will grow and where livestock cannot be successfully raised. I refer in particular to the West and Northwest. In such localities the Secretary would, I am certain, be justified in not imposing the conditions contained in the amendment.

Mr. President, the adoption of this amendment would be, to my mind, the salvation of the cotton farmers of the South. On many occasions when the cotton price was good I have seen cotton planted in the South in the very back yards of the farmers. A few weeks ago, on one of my trips in Ar-

kansas, I saw cotton planted to the very edge of the railroad bed. In many towns and villages, and even fairly large cities, I saw cotton planted on vacant lots.

When the amendment was being debated, I think the junior Senator from Georgia [Mr. RUSSELL] stated that many of the landlords prevented tenant farmers from growing garden crops because they wanted the tenant farmers to buy from the commissaries which were on the plantation, and which were owned by the landlords themselves. Such a condition is prevalent throughout the cotton regions of the South. In addition to getting their share of the crop from their tenants, these landlords have their own stores and make a nice profit out of their share-tenants' portion of the crop. Small wonder they issue instructions that no gardens are to be planted by their tenants.

What happens on the farm today? Every dollar the farmer collects from his cotton, every dollar that he collects from his wheat or from his corn, is used to buy food which in many instances could be grown by him on his farm. That applies not only to the food that is consumed by the family of the tenant, or the family of the farm owner, but also the food consumed by the livestock used in the making of the crop.

I know of many instances where the cotton farmer deemed it more profitable to grow cotton for market than to grow corn for feeding his work stock. In other words, he grew cotton on every acre of available land, and in turn, used some of the money from the cotton crop to buy corn. That condition, Mr. President, should not be permitted to exist.

If the farmers expect help from the Government, I repeat, they ought first to try to help themselves, and my amendment will encourage them to do this. Under the Soil Conservation Act and under the present bill we say to the farmer: "In order for you, Mr. Farmer, to be eligible for a subsidy, you have to follow certain farm practices." If their farms are in the hill lands, they have to follow certain practices so as to prevent the land from washing off. In other places they have to plant legumes in order to keep the soil fertile. In other places they have to keep the land in fallow. They are further told that they will be paid so much for doing those things. Now, Mr. President, all the pending amendment would do would be solely to add a further condition. As I stated a while ago, I cannot for the life of me see that it makes any difference if we should impose the obligations suggested in the amendment in addition to those already provided for in the bill.

Mr. President, for the future welfare of the small farmers of the Nation I hope that we will adopt this amendment. Let us provide the way to make our farmers self-sustaining. I dislike attempting to force free Americans to follow the dictates of our Government when it affects the management of their own property, but I am conscious of no harm that can befall them should the pending amendment be retained in the bill.

Mr. MILLER. Mr. President, the statement made by the able junior Senator from Louisiana is, to my mind, further and ample proof that the agricultural extension agents were rather prominent in the hearings on the bill. I know something about farming. I live in a rural community, as is evident to all my colleagues, and it does make a considerable difference in the enforcement and operation of this law whether or not we incorporate in it the pending amendment.

It is not for the Senate to judge of farming practices, or to dictate, or attempt to dictate, to the American farmer what he shall grow of crops which do not move in interstate commerce.

Of course, diversification is desirable, but the American farmer is not a fool by any means. The American farmer is just about as much interested in making a living for himself and his family as we are. But in my opinion the farmer is the last great individualist in this Nation, and we are fast destroying the individualism of the American farmer by the enactment of such measures as that now before us. We are asked to restrict his activities, to restrict his efforts, in making a living according to his own judgment.

We have certainly gone far enough in this bill in saying to him, "You may produce only so much cotton, so much corn, and so much rice and other commodities." Now it is proposed to carry the provision further and to say to him, "While you may produce only so much, and you must take out of cultivation certain acreage, after you have done this or done that, after you have complied with the law and complied with your contract, still your Government in its wisdom has decided that you must raise so and so much for your own consumption. What that production shall be will not necessarily be decided by the Secretary of Agriculture. Of course, the Secretary of Agriculture is the head; but the Extension Service, which is now operating in the Department of Agriculture, is the organization in our Government which would regiment every man who ever set his foot upon a farm. I protest against that body of men—men who never stuck a plow in the ground and would not know how to harness a mule—going to the farmer in Arkansas or elsewhere and saying to him, "You have a patch of land across the creek over there in the bend on which you could have planted turnips, and your family could have lived on those turnips, and your stock could have been fed on them; but inasmuch as you did not do it, the contract which was entered into between you and your Government does not mean anything."

I am willing to go a long way in trying to help the farmer and trying to help any other business in this country; but I cannot, and I doubt very seriously whether any Senator can, fully subscribe to the philosophy of this bill in all of its implications and in all of its terms.

Certainly the Government cannot afford, and this body cannot afford, to attempt to take from the American farmer the last vestige of independence he has.

Over a period of the past few years we have done more to make mendicants out of good citizens in this country than it was thought possible to do a few years ago; and now it is proposed, in the utmost of good faith, that we further circumscribe the activities of the boy and the man on the farm. That is inconceivable to me.

As I said, I know that the able Senator from Louisiana [Mr. ELLENDER] is prompted by nothing but pure and good motives. He wants to be helpful; but one can associate with a bunch of men until finally he gets to think as they do.

Mr. President, I have attended some hearings during my service in Congress. Several years ago, when I first came to the House of Representatives, we undertook to reorganize certain departments of the Government. We were confronted by men from the departments who had all the facts and the figures, and the first thing we knew we were absolutely helpless in their hands. So it is with these Extension agents. A farmer may associate with those fellows, and if for a minute he forgets his own common sense and his own training which he received on the farm, they can convince him in a minute that they know more about a man's farm 10 miles away from where he is sitting than the man who was born there and who has raised a family on it.

Mr. President, for my part I assume that I shall go along with this bill and help create compulsory control of the production of the necessities of life that move in interstate commerce; but to ask me to go further and attempt to control those things which do not move in interstate commerce is just going one step too far.

I think I know a little something about the American people and the farmers. They will stand just so much, and that is all. You can tell them certain things that they may do; but when you enter into a contract with them, and then have some fellow go to a man's farm and go to measuring it and go to looking it over, and have him tell the farmer, "You would be entitled to your soil-conservation payments or you would be entitled to your parity if you planted this patch or that patch into something else," then it seems to me, Mr. President—and I say it with all deference to the able Senators who have proposed the amendment—that it is carrying the bill beyond the limits of consideration on the part of anyone, and certainly the Senate is not going to subscribe

to the destruction of the last vestige of independence that is left in the American farmer.

Mr. BAILEY. Mr. President, I have always understood that every monument ought to have a capstone, and every arch a keystone, and every work of art a motif. If that is right, I suggest that the most appropriate thing Senators who propose to vote for this legislation can do is to vote with great heartiness for the amendment now before us.

If we are going to have this sort of thing in America in the matter of agricultural legislation, why not have it all? Why not go the whole length? Why not, with one masterful stroke, make the work of art perfect and leave it for all posterity hereafter to admire?

Let us draw the picture of the farmer as the subject of Federal control under the commerce clause regulating commerce between the States, or among the States, and with foreign nations. Let us have the regulation of the canning of tomatoes and the requirement of the production of a certain amount of turnips as a part of our great Federal system of control of the farmer!

Mr. President, I protest against the animadversion of our most newly acquired Member of the Senate. Had he been here longer, I think he would have been inclined not to protest but to fall in with us as we do our perfect work, and by no means to interfere with us as we put the finishing touches upon the most beautiful portrait of congressional agriculture that could well be conceived of.

Mr. President, I very deeply regret that I am really estopped from voting for this amendment; but I wish to say to all the Senators here who are for the bill that they could not by any possible means find a way more perfectly to adorn their votes than by heartily sustaining this illustrious contribution to the regulation of commerce under the commerce clause of the Constitution.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 81, subsection (h). [Putting the question.] The nays appear to have it.

Mr. ELLENDER. I ask for a division.

On a division, the amendment was rejected.

The PRESIDING OFFICER. On page 82, after line 21, the Senator from Oklahoma [Mr. THOMAS] has offered an amendment. The junior Senator from Oklahoma [Mr. LEE] also has an amendment pending at the same point.

Mr. GEORGE. Mr. President, I inquire upon which page are we now considering an amendment.

The PRESIDING OFFICER. Page 82, after line 21.

Mr. LEE. Mr. President, the amendment which I have proposed to that section was agreed to by a member of the committee, and I suppose we are ready to vote on it.

The PRESIDING OFFICER. Without objection, the amendment of the senior Senator from Oklahoma [Mr. THOMAS] will be temporarily passed over. The amendment of the junior Senator from Oklahoma [Mr. LEE] will be stated.

The CHIEF CLERK. On page 82, between lines 21 and 22, it is proposed to insert the following new subsection:

(k) The payments paid by the Secretary to farmers under this act, and the Soil Conservation and Domestic Allotment Act, shall be divided among the landowners, tenants, and sharecroppers of any farm, with respect to which such payments are paid, in the same proportion that such landowners, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which such payments are paid; and such payments shall be paid by the Secretary directly to the landowners, tenants or sharecroppers entitled thereto: *Provided*, That, notwithstanding the other provisions of this act and the provisions of the Soil Conservation and Domestic Allotment Act, if the total amount of such payments (except payments computed under section 6 (c) of this act) to any person with respect to any year would, except for the provisions of this proviso, exceed $600, such amount shall be reduced by 25 percent of that part of the amount in excess of $600 but not in excess of $1,000; by 60 percent of that part of the amount in excess of $1,000 but not in excess of $1,500; by 90 percent of that part of the amount in excess of $1,500 but not in excess of $2,500; and by 95 percent of that part of the amount in excess of $2,500.

Mr. POPE. Mr. President, so far as I am concerned, I am willing to accept that amendment in order that it may go to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. LEE] to the amendment reported by the Committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment passed over.

The CHIEF CLERK. On page 97, after line 23, Mr. BILBO proposes to insert the following new section:

SEC. 96. Nothing in this title No. 9 shall be construed to authorize the Secretary to pay the assignee or any holder of such cotton pool participation trust certificates, Form C–51 (other than the original owner or holder), more than the purchase price paid by the assignee or holder of such certificate or certificates provided such purchase price is $1 per bale, or twenty one-hundreds of 1 cent per pound or less. If the assignee or holder other than the original holder receives less than $1 per bale, or twenty one-hundredths of 1 cent per pound, then the remainder between such payment so received by the assignee or holder and $1 per bale, or twenty one-hundredths of 1 cent per pound, shall be paid to the producer or original holder of such certificate or certificates.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the Senator from Mississippi to the amendment of the committee.

Mr. BILBO. Mr. President, I desire to modify or perfect my amendment. I wish to include interest to the purchaser of the certificate.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. Will he send the modification to the desk, so that the clerk may state it?

Mr. BILBO. I send the modification to the desk and ask that it be stated.

The CHIEF CLERK. In line 6 of the amendment of the Senator from Mississippi, after the word "certificates", it is proposed to insert the words "with interest at the rate of 4 percent per annum from date of purchase", so the amendment as modified would read:

SEC. 96. Nothing in this title No. 9 shall be construed to authorize the Secretary to pay the assignee or any holder of such cotton pool participation trust certificates, Form C–51 (other than the original owner or holder), more than the purchase price paid by the assignee or holder of such certificate or certificates, with interest at the rate of 4 percent per annum from date of purchase, provided such purchase price is $1 per bale, or twenty one-hundredths of 1 cent per pound, or less. If the assignee or holder other than the original holder receives less than $1 per bale, or twenty one-hundredths of 1 cent per pound, then the remainder between such payment so received by the assignee or holder and $1 per bale, or twenty one-hundredths of 1 cent per pound, shall be paid to the producer or original holder of such certificate or certificates.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi, as modified, to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

RECESS

Mr. BARKLEY. Mr. President, in accordance with the previous announcement and understanding, I think we should suspend at this point until 8 o'clock. Accordingly, I move that the Senate take a recess until 8 o'clock p. m.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

AFTER RECESS

At the expiration of the recess the Senate reassembled, and the Vice President resumed the chair.

The VICE PRESIDENT. The Senate will be in order.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bone	Byrd	Donahey
Andrews	Borah	Byrnes	Duffy
Ashurst	Bridges	Capper	Ellender
Austin	Brown, Mich.	Chavez	Frazier
Bailey	Brown, N. H.	Connally	George
Bankhead	Bulkley	Copeland	Gerry
Barkley	Bulow	Davis	Gibson
Bilbo	Burke	Dieterich	Gillette

Graves	Lee	Murray	Shipstead
Green	Lodge	Neely	Smathers
Guffey	Lonergan	Norris	Smith
Hale	Lundeen	O'Mahoney	Steiwer
Harrison	McAdoo	Overton	Thomas, Utah
Hatch	McCarran	Pepper	Townsend
Hayden	McGill	Pope	Truman
Herring	McKellar	Radcliffe	Vandenberg
Hitchcock	McNary	Reynolds	Van Nuys
Holt	Maloney	Russell	Wagner
Johnson, Colo.	Miller	Schwartz	Walsh
King	Minton	Schwellenbach	Wheeler
La Follette	Moore	Sheppard	White

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

When the Senate took a recess there was nothing pending. The clerk will state the first amendment passed over by the Senate.

Mr. BARKLEY. Mr. President, when we recessed we were discussing, as I understand, an amendment at the bottom of page 78 and the top of page 79. I am not certain whether or not that amendment had been agreed to; but that section was passed over in order that we might prepare an amendment with reference to the limitation of the overhead expenses for the administration of the measure, in view of the fact that the Senator from Georgia [Mr. RUSSELL] had offered an amendment, or had given notice that he would offer an amendment, limiting the expenses for administration to a certain percentage of the total amount appropriated.

If it is agreeable, I should like at this time to submit an amendment to the committee amendment, on page 79, after line 4, which we have agreed to, and which is satisfactory to all those who are interested in the limitation of the expenses of administering this bill. I will say that I have consulted the Senator from Georgia [Mr. RUSSELL], the Senator from New Mexico [Mr. HATCH], the Senator from Virginia [Mr. BYRD], the Senator from South Carolina [Mr. BYRNES], the Senator from Kansas [Mr. MCGILL], the Senator from Idaho [Mr. POPE], and others who are interested in this matter, and we have agreed on an amendment, which I think I might as well offer at this time, to be inserted at the end of the committee amendment at the top of page 79.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from Kentucky to the amendment reported by the committee.

The CHIEF CLERK. On page 79, after the amendment heretofore agreed to, following line 4, it is proposed to insert the following new subsection:

(c) In the administration of this act, the Soil Conservation and Domestic Allotment Act, as amended, and section 32, as amended, of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935, the aggregate amount expended in any fiscal year for administrative expenses in the District of Columbia, including regional offices, shall not exceed 1 percent of the total amount available for such fiscal year for carrying out such acts, and the aggregate amount expended in any fiscal year for administrative expenses in the several States (not including the expenses of county and local committees) shall not exceed 2 percent of the total amount available for such fiscal year for carrying out such acts. In the event any administrative expenses of any county or local committee are deducted from Soil Conservation Act payments, parity payments, or surplus reserve loans, each farmer receiving benefits under this act shall be apprised, in the form of a statement to accompany the check evidencing such benefit payment or loan, of the amount deducted from such benefit payment or loan on account of such administrative expenses. The names and addresses of the members and employees of any county or local committee, and the amount of such compensation received by each of them, shall be posted annually in a conspicuous place in the area within which they are employed.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY] to the amendment reported by the committee.

Mr. HATCH. Mr. President, I merely wish to say that the amendment which has been read includes the propositions which I gave notice the other day I should offer in the way of an amendment, not only for myself but also for the Senator from Virginia [Mr. BYRD]; and we are both agreeable to this amendment.

Mr. MCKELLAR. Mr. President, I should like to ask the Senator from New Mexico a question. What is it estimated that the total expenses will be? Three percent is allowed for general administrative purposes, but what about the county expenses? What is it estimated that they will be?

Mr. HATCH. I will say to the Senator from Tennessee that the county expenses come altogether from the pay received by the farmer, and the amendment provides that each farmer shall be notified of the exact amount which is deducted from his check. It was my idea all the time that the farmer should have that information. I believed, and still believe, that if he is given the information as to what his county expense is, if it is too high he will find a way to correct it.

Mr. MCKELLAR. Then, as I understand the Senator, the cost of administration to the Government will be reduced to 3 percent?

Mr. HATCH. That is correct.

Mr. BORAH. Mr. President, I desire to ask the Senator from New Mexico a question. A statement of this item of expense is to be furnished to the farmer. It is to be published so that those paying it will know what it is.

Mr. HATCH. That is exactly correct. That is what I have contended for.

Mr. BORAH. After the farmers know it, what can they do about it?

Mr. HATCH. They have it within their power to regulate their own expenses. They themselves can fix that.

Mr. RUSSELL. Mr. President, the amendment I had offered proposed to limit the total expenditures for the purpose of administration to 6 percent of whatever amount the Congress might appropriate for the purpose of paying the farmers the various benefits provided in this bill. The amendment offered by the Senator from Kentucky is a compromise of the amendment I have offered, and embraces the philosophy of the amendment offered by the Senator from New Mexico [Mr. HATCH]. It provides that not more than 1 percent of the total amount appropriated shall be used for expenses within the District of Columbia, including the expenses of the regional offices, and that not more than 2 percent of the total amount appropriated shall be used for the expenses of the various State offices.

The amount of expenditure for administration by the various county committees is left somewhat in the air, but it is provided in the amendment that the various checks which are sent out to participating farmers shall show the amounts which have been deducted for administrative expenses within the counties and within the various townships or districts.

Last year out of $100 appropriated to a farmer under the soil-conservation program the sum of $12.92 was consumed in expenses. If the farmer is advised of the total amount that is being consumed in county and local committee expenditures, having authority to elect the members of the committee, it has been felt by those of us who have consulted on this program that if the committee did not reduce the amount of the expenditures, the farmer would get a new committee which would reduce the amount of the expenditures.

While the amendment is not all that I should like to have, I think it will have a most salutary effect in reducing the present enormous overhead expense.

Mr. MCKELLAR. Mr. President, one other question is cognate to that. Was there any discussion at the conference held with the Secretary concerning the accounting by the General Accounting Office with reference to expenses?

Mr. RUSSELL. I understand that matter is not involved in any way in this amendment.

Mr. MCKELLAR. No; it is not involved in the amendment, but it is involved in the expenses.

Mr. BARKLEY. Mr. President, if the Senator will yield I will say that the provision of the bill giving the Secretary exclusive authority to pass on these matters was stricken out this afternoon so that under the reorganization bill they will be under the control of the General Accounting Office. That was satisfactory to all parties concerned.

Mr. POPE. Mr. President, I do not have a copy of the amendment before me. Is it to take effect July 1, 1938?

Mr. BARKLEY. Yes; it would become effective July 1, 1938.

Mr. SCHWELLENBACH. Mr. President, I wish to ask the Senator from Georgia a question. Of the $12.92 how much can be expended for each committee?

Mr. RUSSELL. I have not broken down the figures to that extent. However, out of the total amount of $45,000,000 approximately $20,000,000 was spent by the county and local committees, so it would be approximately $5 or $5.50 consumed in local expenditures.

Mr. POPE. I am informed the Senator is not correct as to the amount of expenditure by county committees. The information I have is that they spent about 7 of the 10 percent in the county committees.

Mr. RUSSELL. I think the Senator from Idaho has confused and combined the States and local expenditures. So far as county expenses are concerned the total amount expended for administration was approximately $23,000,000 of the $45,000,000.

Mr. BARKLEY. Mr. President, let me say just a word further in explanation of the amendment. The farmers in any township or district select representatives and the representatives so chosen meet in a sort of county convention and select the county committee. The average membership of the county committees is three and in some cases it is five. The amendment provides that each farmer shall receive his benefit check and at the same time shall receive a statement showing the amount that has been deducted from his check by reason of the expenses of the county committee. We have felt if that knowledge is brought home to the farmers, having control of the committee and having control of the selection of the committee, they have it within their power to change the committee if they desire or if they think the committee is too extravagant. It was the belief that that is the most democratic way to make the selection.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Kentucky to the amendment of the committee, as amended.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment passed over.

The LEGISLATIVE CLERK. The next amendment passed over is on page 34, line 24, subsection (c), as amended, which reads as follows:

(c) The amount of the national marketing quota allotted to each State shall be apportioned by the Secretary among the several counties or subdivisions thereof in such State upon the following basis:

(1) The proportion that the land devoted to tilled lands on cotton farms in the county is of the land devoted to tilled lands on all cotton farms in the State.

(2) The proportion that the normal production of cotton for the county is of the State marketing quota.

(3) The number of families composed of two or more persons actually residing annually on and actually engaged in the production or growing of cotton, together with other farm crops on the tilled lands of the county.

Mr. McKELLAR. Mr. President, this matter was discussed yesterday. The purpose of the amendment, as I gather, is to rearrange the growing of cotton produced in each county in a State. We had maps here yesterday which indicated the effect it would have. It would cut down the quota of cotton in a number of cotton counties and would increase the quota of the smaller counties and counties situated in other portions of the State. In my judgment that ought not to be done.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. OVERTON. Was the information to which the Senator refers based on the bill as reported by the committee or was it based on the bill as amended by the so-called Overton amendment?

Mr. McKELLAR. It is based on the bill as amended by the so-called Overton amendment.

Mr. OVERTON. Were those maps which were circulated here based on the Overton amendment?

Mr. McKELLAR. I was so informed. I am going to discuss that for just a moment if the Senator will permit me.

Mr. OVERTON. The Senator has been advised erroneously.

Mr McKELLAR. I cannot say who is in error and who is not in error. All I can say is that yesterday, when we were discussing the matter, a question was raised as to whether the percentages, the changes from the big cotton counties to the small cotton counties, if I may so express it, the changes in acreage, adding to the acreage in some counties and subtracting from the acreage in other counties, were correct. A question was raised also as to whether Mr. White, the man who prepared the maps and the percentages, had before him the so-called Overton amendment or did not have before him the so-called Overton amendment.

I called up Mr. White and asked him about it. He said the Overton amendment really made no difference except in a very few counties. He said in the State of Mississippi it would have no effect at all; that in the State of Arkansas it would affect two counties which are given over principally to rice. He said the northern part of Louisiana would be affected slightly, but not enough to make any difference, while certain other counties in the lower part of the State would not be affected at all; that generally speaking the figures were the same whether the Overton amendment was adopted or was not adopted.

Mr. OVERTON. Mr. President, will the Senator yield at that point?

Mr. McKELLAR. I yield.

Mr. OVERTON. In my conversation with Mr. White he made the statement that the difference in the Arkansas quotas, for example, was based on the fact that there are two counties which are devoted to rice production. Rice production would be considered under the bill as reported by the committee, but rice production would not be considered at all under the Overton amendment. I made that explanation to Mr. White and I also made an explanation of the situation with reference to Louisiana and Georgia. In Louisiana we grow sugarcane and rice. In Georgia, peanuts are grown. The peanut lands, the rice lands, and the sugar lands would not be considered at all under the Overton amendment. All that would be considered would be lands devoted to the cultivation and growing of cotton and to home-consumption crops.

Mr. McKELLAR. That is not at all what Mr. White told me. He told me directly the contrary, with certain exceptions. He made an exception of two or three counties in Tennessee where tobacco is largely grown. He made an exception of two counties in Arkansas where rice is largely grown. He made an exception of several counties in Louisiana where sugarcane is largely grown. Those are the only exceptions he made.

It is a question whether we should legislate the growth of cotton out of one county into another. I do not think Congress ought to do any such thing as that. My judgment is that we ought to let the farmers of those counties carry on for themselves and get the proper proportion as is provided for in the second paragraph of the amendment.

I say that for the reason that we cannot safely legislate to make such a change. It has been stated that there is danger of an antilynching bill being passed. If we undertake to change the quotas of the various counties of our States—in other words, where a county has heretofore been planting, say, 200,000 bales and we cut off 40,000 bales from that crop and put it into various other counties where they have planted cotton scarcely at all—I do not know whether some of us may not be lynched when we go back home. It is not a wise provision and ought not to be in the bill. We ought not to undertake to legislate where cotton shall be planted. Cotton is planted where it is to the best interests of the farmer to plant it. We ought not, by legislation, undertake to distribute the planting of that cotton.

Mr. BILBO. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Tennessee yield to the Senator from Mississippi?

Mr. McKELLAR. I yield.

Mr. BILBO. The Senator from Tennessee seems to object to the formula under which and by which the allocation of the State allotment shall be distributed to the counties. If he objects to the formula set out in the bill, upon what basis would the Senator propose to make the allotment to the counties?

Mr. McKELLAR. I would make them just as they have been made heretofore. The 5-year average has been taken and upon that basis the amount allotted to each county has been determined. That is fair enough. I do not like the idea suggested here. I invite attention to the State of Mississippi, for instance. In Bolivar County during the 5-year period an average of 289,000 acres, nearly 300,000 acres, was planted to cotton. That acreage allotment has been reduced 17 percent.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. OVERTON. I submit that those figures were predicated on the bill as recommended by the Committee on Agriculture and Forestry, and they are absolutely untrue and without foundation under the bill as it has been amended by the so-called Overton amendment. They are palpably without any foundation and without any application to the bill as amended.

Mr. McKELLAR. I asked the Senator from Alabama [Mr. BANKHEAD], who has charge of the bill so far as the cotton section is concerned, what official in the Department had charge of making the allocations. He told me it was Mr. White, and I called Mr. White on the telephone. Mr. White said that in the State of Mississippi, for instance, the Overton amendment would not make one particle of difference so far as the allocations were concerned.

He said that there was a difference in the State of Arkansas, in the two counties I mentioned, and in several counties in Louisiana, where the farmers plant cane, and perhaps 2 or 3 counties in Tennessee, where they plant tobacco; but otherwise these figures are correct in my judgment. At any rate, they are furnished by the Department which is to administer the act. Whether they are dishonest and corrupt figures or not, I do not know, but I got them from the Department of Agriculture, and I think they are correct.

Mr. OVERTON. Mr. President, if the Senator will yield to me, I think I can be of assistance to him.

Mr. McKELLAR. I yield.

Mr. OVERTON. My sole purpose in offering the amendment I present to paragraph (1) of subsection (c) on page 35 was to modify the provision so that it would not have the drastic effect it would have unless it were modified. I am not at all wedded to the Overton amendment. If it is the desire of the Senate to leave out of the bill the provisions of paragraph (1) of subsection (c), that is perfectly agreeable to me. I do not think it would be agreeable to the Senator from Mississippi.

Mr. McKELLAR. I have not the slightest doubt that the Senator from Louisiana intended to correct by his amendment the situation of which I am complaining. But when I submitted the matter to the man who makes the allocations of acreage he told me it would have application to but very few counties.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. GEORGE. Is the Senator from Tennessee proposing to strike paragraphs (1) and (3) of this subsection?

Mr. McKELLAR. That would be the effect, but I think we ought to vote down paragraphs (1) and (3), and that would leave it as it has heretofore been.

Mr. GEORGE. This is merely a committee amendment?

Mr. McKELLAR. These are paragraphs of the committee amendment which ought to be disagreed to.

Mr. GEORGE. The Senator is merely asking that the Senate reject paragraphs (1) and (3)?

Mr. McKELLAR. Paragraphs (1) and (3). I think that ought to be done. A few moments ago I started to state just what effect these amendments would have. Let us take the county of Bolivar, in Mississippi, where 289,000 acres have been allotted. There will be taken off in the neighborhood of between forty-five and fifty thousand acres in that county.

Let us see what effect it will have in Hancock County in Mississippi. The acreage will be increased 400 percent in that county alone. As I understand, in Hancock County last year only 300 or 400 acres were planted to cotton. Why give the acreage to the counties in which cotton is not raised and take it away from the counties where it is raised? I cannot understand how we can legislate in that way. It is not fair, it is not just, it is not good legislation.

Mr. BAILEY. Mr. President, I just entered the Chamber. Are they now legislating so that one county can produce cotton and another county cannot?

Mr. McKELLAR. No.

Mr. BAILEY. I am glad to hear that.

Mr. McKELLAR. These two amendments would change the general allotment of acreage, and I do not believe Senators will agree to that at all if they understand it. I am quite sure that the Senator in charge of the cotton section of the bill, the distinguished Senator from Alabama [Mr. BANKHEAD], would not be willing to state that in his judgment it was proper for the Congress to legislate a change in cotton acreages in the various counties in the Cotton Belt.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. BILBO. Mr. President, I desire to have the attention of Senators for a moment, because I am afraid the Senator from Tennessee may have left a wrong impression, though not intentionally, of course.

The purpose of the formula set out in the bill as it came from the committee is not to effect such radical shifts from the black lands, the alluvial lands, of the Cotton Belt to the hill sections of the Cotton Belt, but it is to effect an adjustment of a great wrong which has been done to the hill sections of the Cotton Belt. Under the former programs of control the production of cotton under the reduced quotas was allotted to the counties or to the farms upon a farm-base acreage, and as a result of that base acreage the hill sections were literally robbed of the opportunity to grow cotton, whereas the alluvial lands, the black lands, of the Cotton Belt were given the lion's share of the production of cotton under the reduced quotas.

I hold in my hand a chart which was prepared by the Department showing the ratio of the 1936 cotton base to the croplands of the farms in Mississippi. This shows the percentage of croplands in each county which has been permitted under the control programs of the past and under the soil-conservation campaign at present, which will be the bases resorted to under the new control program we are now planning to enact. I wish to show the Senate the great injustice which has been done to the farmers of the hill sections.

Boliver County was permitted, under the control programs, to plant 80.4 percent of her cropland in cotton. This is the land in Mississippi which will produce a bale to the acre or two bales in many cases.

In Attala County, every hill of which is covered with white farmers with families to raise, only 42.8 percent of the cropland of that county is permitted to be planted under the former control program, and that is what we will get under the pending bill.

In the populous county of Neshoba, 55 percent is alloted, whereas Sunflower County, in the Delta, is given 80.7 percent.

In my home county, which is a hill county, we were permitted to plant only 24.5 percent of the croplands of the county to cotton under the control programs in the past, which you are trying to enforce on us in the pending bill,

whereas Sharkey County was permitted to plant 73.7 percent of her croplands in cotton. That ratio prevails throughout the State.

The Senator from Tennessee tries to predicate his argument upon this estimate prepared by Mr. White of the Department of Agriculture. I conferred with the secretary to the junior Senator from South Carolina [Mr. BYRNES] this afternoon, and he told me he had had a conference with Mr. White, and he said that the Overton amendment would change the whole percentage basis.

The Senator makes great capital out of the fact that under this formula we are asking the Senate to approve, Hancock County will get a 400-percent increase. Let us see what happens in Hancock County. Hancock County had only 416 acres in cotton, and if we give them a 400-percent increase, it will be only 1,600 acres. Will anyone object to one great county, settled by white people with families trying to make a living in new territory, where the timber has been recently removed, having 1,600 acres in cotton?

Jackson County, with only 1,364 acres, has a 330.2-percent increase, which would give them about 3,000 acres.

Then there is Harrison County with 1,300 acres in cultivation under the former programs, which gets a 500-percent increase, which will give them about 6,000 acres.

In four or five counties in the particular section of the State where my home is located, after this program is in force under the provisions of the pending bill, there will not be as many acres planted to cotton as on one plantation in the alluvial lands of the State.

It should be remembered that on these lands it takes from 2 to 3 acres to produce 1 bale of cotton, whereas on the alluvial lands from 1 to 2 bales will be produced to the acre. So Senators can see the injustice being done to the small farmers of the hill sections not only of my State but of every State in the Cotton Belt.

In the House of Representatives, Mr. FORD, of my State, secured the adoption of an amendment which allocated the cotton to the counties upon tillable lands alone. I thought that was harsh, and the House decided to leave it out. So, in the preparation of the formula upon which the allotment shall be made, an effort is made to cure an injustice which was done in the past.

I am not trying to take away from the Delta lands their just share of the right to grow cotton; I am not trying to rob the black lands of Louisiana or Arkansas, nor is the Senator from Louisiana [Mr. OVERTON], of the opportunity to which they are entitled, but we are trying to cure an injustice that was put on the hill counties in the former program, under the former bases, which still exist, and which will exist in the Department when the new law goes into effect. I am trying to correct a thing that happened in the past, an injustice that has been heaped upon the people of that section of the State in the past.

I suggest that since there is a question as to whether these figures are correct or not—and I contend they are not, and that the Overton amendment will correct a great deal of the complaint made by the Senator from Tennessee—we ought to leave these amendments in the bill as they are now, and leave the matter to the conference committee, and I am sure that the members of the conference committee will get a corrected estimate as to the effect of the amendment before they report back to us the bill in its perfected form.

Mr. President, I am not willing to create such a shift from one section of my State to another. I represent all sections of the State. I am not willing to stand for a shift that would disturb the economic condition of these counties, because they are geared up to make cotton. They have all their lands in cotton. They have been planting all their lands in cotton for 40 years. So have the hill farmers, but they have been taught diversification. The farmers in the Delta lands are more or less commercial farmers. Most of those farmers live in the cities and in the towns of the counties. Many of them live in Memphis, and a large percentage of them live in the East. They are insurance companies engaged in growing cotton in the Mississippi Valley. Oscar Johnson, who has had a lot to do with the cotton situation in the Department of Agriculture, is representing an English syndicate which farms 50,000 acres in the Mississippi Valley.

I am not willing to rob the one-horse farmer, the small farmer, the man with a wife and five or six or seven children, who is trying to make a living on the farm. I am not willing to deny him the opportunity to grow enough cotton to be able to buy shoes and clothes for his children simply for the sake of some insurance company in the East or some English syndicate which handles a great amount of Delta land. A great many of these Delta farmers are resorting to commercial farming. They buy their tractors; they break the land; they disk the land; they lay the land off; they plant it and cultivate it; they do everything to the crop until picking time comes; and then, in order to get the cotton picked, they send out over the State and get relief labor that the Government is taking care of for the rest of the year.

The Delta man wants to grow a great amount of cotton. It is a commercial proposition with him. He is not trying to raise a family. He is trying to make money out of raising cotton. The poor devils in the hills are trying to make a living for their families. That is why I am pleading that this injustice shall be adjusted and that the small farmers in the hills be given a chance. In the old days many a farmer with five or six or seven children was told by Government agents, "You can grow only 200 pounds of lint," or perhaps 300 or even 600, but not enough to buy shoes for one-half the members of the family. Yet that is the same basis which my friend the Senator from Tennessee (Mr. MCKELLAR] wants to carry into this new program.

Mr. President, we are going to be permitted to grow only about 10,000,000 bales in this country. I want production allocated so that the rank and file of the hill section of the Cotton Belt will have an equal and just part in the growing of this limited crop for 1938.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. OVERTON. Under paragraph (1) as amended by the so-called Overton amendment, the Secretary of Agriculture will consider as one of the three factors simply the land that is devoted to the planting of cotton and the land that is devoted to home-consumption crops, and the only difference made in that particular one of the three factors upon which the Secretary of Agriculture will determine the basis, is with respect to home-consumption crops.

Mr. BILBO. Home-consumption crops.

Mr. OVERTON. Home-consumption crops is all that is added. The Secretary of Agriculture then under the Overton amendment is to take into consideration two things in this one particular factor, among the three factors, and that is the home-consumption crop plus land devoted to cotton. Is that correct?

Mr. BILBO. The Senator is correct. I am indebted to the Senator from Louisiana for perfecting that amendment. I desire to call the attention of the Senate to the third basis in this formula, which is the number of families. In making this allocation certainly the number of families that must be supported by growing cotton on these cotton lands ought to be taken into consideration. That, of course, will operate against the commercial farmer, who is using improved machinery and who is trying to get a mechanical cotton picker so he will not have to use any families at all. The purpose of that provision is to protect the bona fide family man, the man with the wife and children, who is trying to raise and educate and support his family, and that ought to be a consideration in making the allocation.

After the allocation is made to the county, then we have another rule here by which we allocate to the farms within the county, in which we started out by giving each family 7½ acres. That has already been agreed to. But that will not do any good unless justice is exercised in making the allocation of the State's allotment to the counties. The county must first get it before it can be allocated to the farms in the county.

I am keenly interested in having these three bases remain in the bill. Let us get the correct information from the Department under the amendment offered by the Senator from Louisiana [Mr. OVERTON] and let the conferees pass on the question of whether it is just or not.

Mr. HATCH. Mr. President, reference has been made by the Senator from Mississippi [Mr. BILBO] to the amendment offered by the Senator from Louisiana [Mr. OVERTON]. I am not familiar with that amendment. Has the Senator from Louisiana offered an amendment to subsection (c), beginning on page 34?

Mr. OVERTON. I offered an amendment, and the amendment has been agreed to, in paragraph (1) of subsection (c).

Mr. HATCH. Will the Senator state what his amendment was?

Mr. OVERTON. In a nutshell, it is simply this: As the committee reported the bill, the Secretary of Agriculture was to take into consideration the proportion that the land devoted to tilled lands on cotton farms in the county is of the land devoted to tilled lands on all cotton farms in the State. "Tilled lands" is defined elsewhere to be lands used for soil depleting row crops and soil depleting feed crops. Therefore, under the bill as reported by the committee, the Secretary of Agriculture would have to take into consideration all of the soil-depleting crops in making the allocation for the production of cotton. He would have to take into consideration the lands that were devoted to wheat culture, the lands that were devoted to sugarcane culture, the lands that were devoted to peanuts, the lands that were devoted to rice. It appeared to me to be—with all due respect to the committee—an absurd proposal.

Mr. HATCH. Mr. President, I wish to say to the Senator from Louisiana that he and I have discussed this particular amendment, and I do not think we were in disagreement about it at all.

Mr. OVERTON. I am very happy to say that the Senator from New Mexico has agreed with me in the amendment that I proposed. Therefore the amendment I proposed was simply this in a nutshell, that the Secretary of Agriculture should consider under paragraph (1) only the lands that are devoted to cotton culture, plus the lands that are devoted to home-consumption crops. I added home-consumption crops—and that is the effect of the amendment, but I am not giving the exact phraseology—in the interest of the small farmer under the curtailment program that was inaugurated several years ago, and which has been in existence and in operation for several years. It was the small farmer who curtailed his production, and he devoted his few acres of land to cotton and to home-consumption crops. He ought to be considered as well as the cotton farmer who undertook to devote as much of his land as he could to the production of cotton for commercial purposes.

The little farmer depends upon his farm for a livelihood. Cotton is his cash crop, and, as the Senator from Mississippi has well observed, if we follow the old plan, then we give to the little hill farmer a production that would be equivalent to only some two or three hundred or four hundred pounds of cotton in many instances. He ought to have an allocation that would correspond to the lands that he devotes to the production of cotton and to the lands that he devotes to home-consumption crops, and that is the effect of the Overton amendment.

Mr. HATCH. I thank the Senator from Louisiana for his explanation and also for his amendment. I think it is a valuable contribution to the bill.

Mr. MILLER. Mr. President, I do not like to detain the Senate, but since the able Senator from Tennessee [Mr. MCKELLAR] has inserted in the RECORD some figures pertaining to Arkansas and the effect that these amendments will have upon the allocation of acreage in Arkansas, I feel duty-bound to submit some facts to which I think the Senate ought to give some consideration in determining whether it will agree to the suggested amendments.

In the first place, Mr. White, who is a former Arkansas man, and with whom I talked this afternoon at 5 o'clock, will tell Senators that these maps which were prepared, dealing with Mississippi and Arkansas, were drafted without giving consideration to the Overton amendment. It is true he says that, in his opinion, he doubts whether the Overton amendment will materially change the allocation.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MCKELLAR. Was that Mr. White to whom the Senator referred?

Mr. MILLER. Mr. E. D. White.

Mr. MCKELLAR. He said that the Overton amendment would not materially change the allocations?

Mr. MILLER. He said that in his opinion it would not materially change the allocations, except in certain regions of Arkansas and in certain regions of Louisiana.

Mr. MCKELLAR. Mr. President, I ask the Senator to permit me to interrupt him again in order that we may be accurate about this matter. In my talk with Mr. White he said that it would effect a change in two counties in Arkansas which produced rice, and two or three counties in Tennessee which produced tobacco, and several counties in Louisiana which produced sugarcane, but otherwise it would have no effect on the figures that were given. He said it would not effect a change otherwise in Mississippi, Tennessee, and other cotton States.

Mr. MILLER. As I stated, Mr. President, Mr. White said he did not think it would materially affect many counties in the State. But I desire to submit that one man's judgment is just as good as that of another on that question. I have never found any substitute for common sense.

Mr. MCKELLAR. Mr. President, will the Senator again yield?

Mr. MILLER. I yield.

Mr. MCKELLAR. I think the Senator from Arkansas is generally correct. I have great respect for the views of the Senator, but the trouble is that Mr. White makes these allocations.

Mr. MILLER. I am going to get to that in a minute. It is true that Mr. White may be called upon to make the allocations, and that is all the more reason why we should lay down a formula for the making of that allocation. There is no use of fooling ourselves about the allocations heretofore made. We talk about sending the bill to conference and letting the conferees work out the disputed questions. I know that a great part of this bill must be written in conference, but I may call the attention of the Senate to the fact that there is no dispute between the Senate bill and the House bill insofar as the allocation of the quotas to States is concerned. In other words, subsection (b) on page 34 is identical practically with the provision in the House bill; and if the Senate rejects the committee amendments or fails to agree to the amendments now under consideration, there will be no dispute, and no question to send to conference on the allocations to the counties.

It has been suggested, I believe, by the brilliant Senator from Georgia that we reject subsections (1) and (3) and adopt subsection (2). I submit that that is unfair, unless we are willing to say to the Secretary of Agriculture and to the men in his employ, "You go out and go into a county after the allocation is made, and then you make the allocation to the individual farm just as it has heretofore been done." That is what the House bill means, and it is what the Senate bill will mean unless we adopt these provisions.

What does that mean? It simply means that those farms which heretofore have been discriminated against will continue to be discriminated against; and there is not a Senator here but who knows that there is a rank discrimination and there has been a rank discrimination in the allocation of cotton acreage, because the Secretary of Agriculture completely overlooked everything except acreage, and acreage alone. If we are going to have a farm bill with any semblance of justice in it, we must recognize the fact that an American citizen has a right to work and to earn a living on the land he owns.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. MILLER. Just a minute.

Therefore subsection (3) is vital to the welfare of the cotton farmers in this country, unless we want further to drive the small cotton farmer out of business, and unless we want to favor the Delta counties at the expense of the others. We have many Delta counties in Arkansas. As fine land as is anywhere to be found is found in eastern Arkansas in the Delta; but I do not want that territory to be devoted to raising cotton at the expense of the other part of the State, and highly mechanized farming engaged in there, leaving out entirely the human element.

We have appropriated money during the past few years for resettlement projects. In Arkansas alone, and in every State in the Union, there has been more money squandered in resettlement projects that it would take to finance a farm bill.

During the past 18 months in Arkansas alone, in Mississippi County, the greatest cotton-producing county in the world, and in Phillips County and Desha County and Chicot County, and Crittenden County, there have been more families resettled than the Federal Government has been able to resettle at other places in the country during its entire program, and it has not cost the Federal Government a single dime.

Talk about the expense of this thing! If we will cut out some of the wild resettlement schemes and other ideas that we have and get back to fundamentals, and give the people some liberty to settle themselves, and take into consideration the human element in the allocation of acreage, and the right to make a living, we shall make some progress in this country and not before.

Subsection (3) as amended and as now before the Senate simply provides that in allotting this acreage the Secretary shall take into consideration the proportion that the number of families composed of two or more persons actually residing annually on and actually engaged in the production or growing of cotton in the county is of the total number of such families in the State. What is fairer than that? We know how many families there are. The number is very readily ascertained. Why not give that consideration and why not require the Secretary to take that fact into consideration? You will add more injustice to the bill by failing to agree to these amendments than you will by striking them out.

I know the argument is, "Why interfere with it? We have been running along under the A. A. A., and why should we undertake to legislate on particular matters?" Well, in my opinion, we deal in too many generalities as it is. We are always delegating somebody some authority.

We have already delegated too much authority in this bill. Now, when we have a chance to lay down a simple formula for the Secretary to follow, and a formula which is in accord with common sense, which is in accord with the rights of humanity, which is in accord with the right of the people to move freely about and select their own homes, for the life of me I cannot see why we cannot provide that formula; and I do not see why anybody should object to it unless we want further to make it a definite policy in this country that only the acreage shall be considered and the human element shall pass entirely out of consideration.

Mr. BILBO. Mr. President, will the Senator yield for a question?

Mr. MILLER. I yield to the Senator from Mississippi.

Mr. BILBO. Since the hill counties that have been discriminated against have had so many mass meetings, and have passed resolutions calling on the Congress to give them a square deal, if we will leave these subsections out of the bill and refuse to give the hill counties that square deal, after they discover that they have been discriminated against in the new deal, is it not the judgment of the Senator from Arkansas that it would defeat any referendum for the enforcement of this bill?

Mr. MILLER. It ought to defeat any referendum, and it probably would. I do not know. But I am firmly convinced that if we will retain sections (2) and (3) of these proposals we shall have an equitable bill. Section (1), as amended by the amendment of the Senator from Louisiana [Mr. OVERTON], does provide a portion of a formula that is rather hard to figure; but notwithstanding the fact that there may be some difficulties in it, it is a contributing factor to justice. I think all three of the provisions ought to be agreed to.

Mr. McKELLAR. Mr. President, before the Senator concludes his remarks will he yield to me?

Mr. MILLER. I yield.

Mr. McKELLAR. I notice on the map furnished by the Department that in the late Senator Robinson's county of Lonoke there will be a reduction in the acreage of about 25,000 acres, a reduction of nearly 20 percent, while in the county of Marion, nearby, the increase will be 110 percent. In other words, the cotton-production business will be transferred to that extent in just two counties in the Senator's own State.

Mr. MILLER. I believe I know more about my State than the distinguished Senator from Tennessee does.

Mr. McKELLAR. I am quite sure the Senator does.

Mr. MILLER. Lonoke County, the county mentioned by the Senator, has recently, and within the past 18 months, devoted practically the entire south end to the production of rice. Marion County, in the northwest or north central part of Arkansas, is one county that raises wheat, corn, and very little cotton. So I will say to the distinguished Senator that whenever those figures are adjusted in accordance with the Overton amendment, I am absolutely certain we will find, that that calculation is entirely wrong.

Mr. McKELLAR. Take Mississippi County, which I believe is the leading cotton county in the Senator's State, if I remember correctly. Is that correct?

Mr. MILLER. That is correct.

Mr. McKELLAR. In that county 251,000 acres were planted to cotton in the 5-year period. The acreage in that county is increased by 16 percent. I am doubtful if there is that much acreage that can be put into cotton in Mississippi County, because I have been over that county very frequently; it is near my home; and nearly the entire county is planted in cotton today.

Mr. MILLER. Oh, no! Let me say about Mississippi County that there are thousands and thousands of acres in one drainage district alone that could be planted to cotton. Drainage district 17 has just been opened in Mississippi County, and that was the reason why the argument arose the other day over the 3 percent. I was trying to get more acreage for the Mississippi County farmers in that drainage district.

Mr. President, I submit those facts in order that the Senate may adopt these amendments and send the bill to conference, so that some question will be before the conferees, rather than just to have the authority vested in the Secretary, as heretofore.

Mr. RUSSELL. Mr. President, the debate we have just heard is sufficient to convince anyone of the complexities of this section of the bill.

I have been interested to hear the Senator from Mississippi and the Senator from Arkansas advocate subsection (1), on page 35, as a fair proposition on account of the fact, as they say, that there is a tremendous difference in farming in the Delta areas and the hill sections of their respective States.

In the State which I have the honor in part to represent in this body we do not have any Delta areas. We are not confronted with the proposition of the mechanized farmer as against the farmer who is compelled to follow a mule and use a hoe in cultivating his crop and to pick his cotton by hand. In my judgment, subsection (1), on page 35, will be manifestly unfair to the counties of the South that do not have Delta areas and that cannot use mechanized farms. Its effect would be, in my State, to move the base of the cotton that is allotted from the recognized cotton areas in part to the mountain area of Georgia, where it is impossible to grow a stalk of cotton.

In the long run it would have the effect of reducing the State quota, because if the quota and the acreage are taken

away from the counties where cotton can be produced and removed to the mountain counties where it is impossible to grow cotton, it will in the long run reduce the State allotment.

So I say we should not legislate here merely on account of a local situation in States that have delta areas and have hill areas. This bill should apply uniformly throughout the entire Cotton Belt, and subsection (1) should be stricken out by the Senate. It will cause unending confusion in all of the Southeastern States, where cotton has been produced for 150 years, if we attempt to change the base cotton allotment and move the cotton production from the sections where it can be grown up into the mountain areas and sections or down into the flat woods on the coast where it is impossible to grow cotton.

I hope subsection (1) will be stricken out.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Louisiana.

Mr. OVERTON. The remarks made by the junior Senator from Georgia are based upon subsection (1), or paragraph (1) as it reads in the bill reported by the Agricultural Committee. Has the Senator considered paragraph (1) as it has been amended under the Overton amendment?

Mr. RUSSELL. I entered the Chamber a few moments ago when the Senator from Louisiana was explaining his amendment in response to some inquiry by the Senator from New Mexico [Mr. HATCH]. I am not altogether familiar with the so-called Overton amendment; but I do know that it is manifestly unfair to base any cotton allotment in a county in north Georgia, in the mountain area, on the proportion that the farms in that area bear to the total amount devoted to cotton within the entire State. It is unfair, and it is not only unfair but it will reduce the amount of cotton which can be produced in the State of Georgia even though we are given a full allotment under the other provisions of the bill, because cotton cannot be grown in that area. In one-third of my State, cotton cannot be grown.

Mr. OVERTON. If the Senator will yield to me further, I will say that I agree with the Senator in his condemnation of paragraph (1), as reported by the Senate Agricultural Committee; but paragraph (1) has been amended, and as amended, it now reads as follows—if the Senator will follow me, on line 5, page 35, after the word "State", insert:

Provided, however, That the land devoted to crops for market other than cotton shall be excluded in determining tilled lands under this subsection (1).

Mr. RUSSELL. I will say to the Senator from Louisiana that that is a great improvement over the original amendment.

Mr. OVERTON. I think that makes it perfect.

Mr. RUSSELL. Perhaps, in the opinion of the Senator from Louisiana, it does make it perfect; but if I understand the section as amended, there is absolutely no necessity for including it in the bill, because the practical effect of it would be to place us back under paragraph (2), and to have the allotments based on the proportion that the normal production of cotton for the county is of the State or marketing quota.

Mr. OVERTON. The Senator is in error in that respect, because the difference between paragraphs (1) and (2) is this: Paragraph (1), as amended by the Overton amendment, requires the Secretary to take into consideration the lands that are devoted to home-consumption crops; and that is helpful to the small farmer.

Mr. RUSSELL. Mr. President, I yield to no Member of the Senate in my devotion to the small farmer. I have consistently supported every amendment that has been proposed to undertake to protect the small farmer. I recall when the original Bankhead Cotton Act was pending the senior Senator from North Carolina [Mr. BAILEY] proposed an amendment which allowed expansion of a certain number of bales to the small farmer, and I supported that amendment. I have been gratified to observe in this bill an exemption of 5 acres without regard to any production that might be proposed by the Secretary of Agriculture.

Mr. OVERTON. Mr. President, as amended, it is now 7½ acres.

Mr. RUSSELL. I had temporarily overlooked the fact that the Senator from Mississippi [Mr. BILBO] had offered an amendment which increased the exemption to 7½ acres. I think so long as we have allowed a minimum allotment of 7½ acres to the small cotton farmer we have eliminated the manifest and indisputable injustice that we encountered under the cotton allotment in the original cotton legislation.

I see no reason now to undertake to write into the bill a provision that will take cotton production away from one county and give it to another county. The Senator from Mississippi [Mr. BILBO] frankly said his proposal would take the cotton away from the Delta area and carry it into the hill areas of Mississippi. I see no objection to an amendment that would apply only to Mississippi, but I object to an amendment that will permit the Secretary to go into my State of Georgia, where we have no delta section, where no part of the Cotton Belt can be farmed by mechanized means, where machinery cannot be used, where we have to do it all by hand, and move the production of cotton from one county where we have produced cotton for years to another county where cotton perhaps will not grow at all.

Mr. BILBO. Mr. President, I did not mean to convey the idea that I wanted to take cotton away——

The PRESIDING OFFICER. The Chair regrets to inform the Senator from Mississippi that he has already spoken on the amendment.

Mr. RUSSELL. Mr. President, I yield to the Senator from Mississippi.

Mr. BILBO. I did not intend to convey the idea that I wanted to take cotton away from the Delta lands. I merely want to bring about an adjustment of the unjust condition which has existed. According to his own statement, the Overton amendment should not be objectionable to the Senator from Georgia.

Let me state to the Senator a case in point. I know this to be true. In one hill county a farmer has 325 acres in cultivation, and his allotment would be 50 acres. A farmer across the highway in the same county and on the same kind of land has an allotment of 55 acres out of 80 acres. Still another man has 60 acres of allotment out of a farm of 100 acres. These are examples of the injustices we have brought about under the former control.

The injustices brought about between farmers in the same neighborhood are on a parity with the injustices of the hill farmers of the entire Cotton Belt in comparison with the farmers in the alluvial-land sections. The only purpose of the formula is to give the Department of Agriculture some latitude so they might be in a position to adjust all such inequalities. It is not taking away from the Delta lands too much. Under the statement given us by the Department, there is not a county in the Mississippi Delta that will not have 65 percent of the croplands still left upon which to grow cotton under the new allotment. Certainly, under the limited-control program, 65 percent of the cultivated land in a county is enough to put in cotton, whereas in other sections they are still getting 40 percent or 45 percent or 35 percent, while the alluvial lands are getting 65 and even 70 percent of their land in cotton.

Mr. RUSSELL. I do not know the effect the provision would have on the State of Mississippi, but I apprehend it would cause great confusion and a great deal of resentment in the State of Georgia. I may say to the Senator from Mississippi that the illustration he uses of one farmer living on one side of the road and having a certain number of acres upon which he is permitted to plant cotton, and another farmer on the other side of the road having a much smaller number of acres upon which he may plant cotton, would not be cured by this amendment as I understand it. The amendment merely operates between various counties and States, and therefore the situation to which he refers would not be affected by the amendment.

Mr. BILBO. Mr. President, let me say that——

The PRESIDING OFFICER. The Senator from Georgia [Mr. RUSSELL] having taken his seat, the Senator from Mississippi may not speak further. The question is on agreeing to the amendment as amended.

Mr. GEORGE. Mr. President, the matter is too important not to be fully discussed. While I had not expected to discuss it, I want to say very frankly to the Senator from Mississippi [Mr. BILBO] and the Senator from Louisiana [Mr. OVERTON] that I gained the impression that the three provisions would work a great injustice or a great dislocation of the cotton-growing areas in the respective States. I think yet that it would do so, but I am not so sure that it will do the injustice which I thought originally it would accomplish.

I want to submit this to the Senator from Mississippi, and he is at liberty to interrupt me reasonably within my time, because I am trying to assist in arriving at the facts. I suggest to the Senator from Mississippi that I share with him heartily his purpose to correct the injustice that has been borne by the small cotton farmer and by the cotton farmer who has pursued a sensible balanced farm program during the so-called base period.

It is as bad for the large farmer if he has not pursued a sensible program, especially after the coming of the boll weevil, which very greatly reduced his cotton acreage, as it has been for the small farmer.

The principle the Senator from Mississippi has in mind, with the Overton amendment, I think may well be applied within the county. When the county quota has been ascertained, then I think unquestionably the general principle that is sought here to apply in the allocation of the State quotas between the several counties may well apply and will apply in justice to the small farmers and to the farmers who have maintained a balanced program.

Mr. BILBO. Mr. President, may I have permission of the Senator to respond to that observation?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. GEORGE. I yield.

Mr. BILBO. The Senator from Louisiana [Mr. OVERTON] has offered an amendment, and it has already been adopted, providing for allocation of the lands to the individual farms. That has already been done.

Mr. GEORGE. I think that amendment was properly made to the provision which directed the manner of allocating the lands to the individual farms. I think also that in the amendment of the Senator from Mississippi, which gave to each farm family 7½ acres of exemption, coupled with other provisions in the bill and coupled with the general provision that notwithstanding the actual quota fixed by the Secretary of Agriculture the cotton produced upon the allotted acreage would actually fix the quota so far as marketing was concerned, a long step has been taken to correct the injustice suffered by the small farmer or the farmer maintaining a balanced farm program under the old A. A. A. Act and even under the soil-conservation program.

But let me submit this to the Senator from Mississippi. For instance, in the State of Georgia we have in the southeastern section of the State, the coastal plain section of the State, farms with large open acreage; that is to say, we have a great many farms on which there is a large acreage of tillable land and land actually in cultivation. They do not raise cotton. They do raise some cash crop, but the Senator from Louisiana knows as well as the Senator from Mississippi that a tobacco crop requires only a few acres. The average farmer can cultivate only about 4 acres of tobacco, and that is a fair-sized crop for one family so far as tobacco is concerned. On those farms other cash crops are grown, but the acreage devoted to home consumption crops in the coastal section of the States, particularly along the Atlantic, is rather large, and not many of those counties immediately on the coast grow any cotton.

Under the bill an allocation would be made to those counties of a considerable cotton acreage, because when we exclude all the lands that are devoted to the production of money crops or cash crops——

Mr. OVERTON. Mr. President, will the Senator yield before he proceeds further with the analysis?

Mr. GEORGE. Certainly; I yield.

Mr. OVERTON. There must be a cotton farm before there can be any allocation at all. If there is no cotton farm, then there is no allocation to that particular farm.

Mr. GEORGE. This is the county allotment.

Mr. OVERTON. Even in the county allotment. The proportion of tilled land on cotton farms——

Mr. GEORGE. But there are some farms in the county on which cotton is grown, and there are a great many farms on which no cotton is produced.

Mr. OVERTON. Those farms would not be entitled to any allocation at all.

Mr. GEORGE. No; but the point I am trying to bring home is that the county would get the advantage.

Mr. BILBO. Oh, no.

Mr. GEORGE. I am quite sure that under this amendment, if the Senator will carefully consider it, the county would get the advantage of the allocation. For instance, take a county in southeastern Georgia on the Atlantic in which there are only two farms that grow cotton, but there are 500 farms that have large open acres. Under the proposal that county would get a considerable quota.

Mr. BILBO. Oh, no.

Mr. OVERTON. Mr. President, may I submit the observation to the Senator from Georgia that he is in error, and I think, upon reflection, he will discover his error?

Mr. GEORGE. I should be glad to know about that. If I am in error on that point I have no objection to the amendment.

Mr. OVERTON. I think all that is necessary is to read to the Senator the paragraph as amended. It reads as follows:

> The proportion that land devoted to tilled lands on cotton farms in the county is of the land devoted to tilled land on all cotton farms in the State; provided, however, that the land devoted to crops for market other than cotton shall be excluded in determining the tilled lands under this subsection.

Therefore, we have to start with a cotton farm in order that the farm may get any allocation at all. Then when we have the cotton farm we exclude all tilled land except the land devoted to the actual production of cotton or home-consumption crops.

Mr. GEORGE. And no open or tilled land on a farm that did not grow cotton during the 5-year period would be considered in making the allocation to that county.

Mr. OVERTON. That is correct.

Mr. GEORGE. That would help a great deal if that is the correct construction. I have not thought it correct, however. That would not cure it entirely, because we have in Georgia large areas formerly devoted to the growing of sea-island cotton. With the advent of the boll weevil, the growing of sea-island or long-staple cotton was practically abandoned or entirely abandoned for the most part.

On those farms there is some cotton farming, but it is very meager, rather on patches, small acreage. I can see that there would be some increase in the acreage in many counties in Georgia, and also some decrease in acreage in other sections of the State.

Mr. BILBO. To what commodity is this land which was formerly used for sea-island cotton devoted?

Mr. GEORGE. In some instances tobacco, in some instances cane, and in some instances other money crops, but for the most part the greater portion of the tilled land is devoted to home-consumption crops—corn, and feed, and food crops.

Mr. OVERTON. Mr. President, under the Overton amendment all market crops are excluded.

Mr. GEORGE. I understand that.

Mr. OVERTON. Tobacco, peanuts, wheat, sugarcane, or any other market crop would be absolutely excluded, and the allocations are made on the basis of the cotton crop, plus the little home-consumption crop that might be grown.

Mr. GEORGE. I quite agree with the Senator that that amendment was of very great help, and if the construction

which the Senator from Mississippi and the Senator from Louisiana put on paragraph (1) is the correct construction—and on close observation it seems to be—the difficulty which I had in my mind would be very largely obviated.

Mr. President, I wish to express myself again as being in thorough accord with the purpose to correct the injustice which may have been done to the small farmer, and to the farmer who maintains a balanced program, cuts down his crop, and who today, although he possesses large acreage, is cultivating only a mere patch of land that might be put into cotton because of the old allotments that were given him. I have very great sympathy with the purpose to obviate that injustice, and to correct it, and I must recognize that that injustice has existed in my State.

Under the construction which has been given to paragraph (1), and in view of the amendment offered by the Senator from Louisiana, I can see that no very great injustice will result, that is, there will be no very great, drastic shifting of the cotton areas within a State. Within the county, I think the principle is sound, and ought to be retained.

I am not so sure how the third paragraph of the amendment, that is, as to the number of families, would affect the allocation to the county. But I can see, of course, a very strong reason for taking into consideration the number of families, because, after all, the allocation should be made upon the basis of those who live on the land, and who must have their support from the land, as well as on the previous history of the base acreage method of arriving at an allotment, which we have heretofore employed. I think unquestionably these principles should be preserved.

I desire to make one observation in conclusion: That if the allocation of the State's quota should be made on the basis of the formula set out in paragraph (2), due regard should be given also by the Secretary to the formulas set out in paragraphs (1) and (3). Perhaps we might be able to correct the injustice in allocations between counties and yet at the same time save an unusual allocation to a few counties in almost every cotton-growing State which they perhaps are not demanding, and which perhaps they would not use. It might follow, as my colleague has pointed out, that the State's whole quota would be thereby reduced. If cotton farmers in one particular county or section did not utilize the allotted acreage given them, naturaly, those acres could not be utilized by the farmers in other sections, and the result would be that the total quota of the State might be reduced.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRNES. Mr. President, because I am not familiar with the cultivation of wheat I have never attempted to discuss the question of wheat production, and I assume that to Members of the Senate from States other than the cotton-growing States any discussion of the cotton question would be tiresome. I wish to say to them, however, that it is of great importance to those of us who do represent cotton-growing States.

It occurred to me several days ago to endeavor to ascertain the effect of the bill upon my State. I learned that at the other end of the Capitol, during the consideration of the farm bill, some Member of the House of Representatives had asked the Department of Agriculture for information as to the effect the provisions of the bill would have upon the allotments to States and to counties in the States. I asked for that information from the Department based upon the provisions of the Senate committee bill. In response to my inquiry, I received information as to the States of Arkansas and Mississippi, but no information as to the effect upon my own State.

A map sent to me as to Arkansas I gave to the Senators from Arkansas, and as to Mississippi to the Senators from Mississippi, but before giving those maps to those Senators I did look at them, and I will state what the maps disclose, based upon the provisions of the bill as reported by the committee.

In Mississippi there is a county called Harrison, and in the county of Harrison last year cotton was raised on 353 acres. Under the provisions of the Senate committee bill the farmers there would be entitled to an increase of 511 percent over last year's production.

I do not know the home county of the junior Senator from Mississippi [Mr. BILBO], but I think it is Pearl River County. In that county there would be an increase of 191 percent. Am I right that the Senator comes from Pearl River County?

Mr. BILBO. The Senator is correct. Will the Senator tell the Senate how many acres we would then have in cultivation, in one of the largest counties of the State?

Mr. BYRNES. Mr. President, I would be delighted to give the information, but I do not know, and I would be glad to have the Senator do it.

Mr. BILBO. We had 4,076 acres in cultivation. The 191 percent will give us 7,805 acres, about half the size of one plantation in the Mississippi Valley, for the whole county.

Mr. BYRNES. Mr. President, what I am referring to is the map sent by the Department.

Mr. OVERTON. Mr. President, will the Senator yield for one question?

Mr. BYRNES. I have but a few minutes; but I yield.

Mr. OVERTON. The figures the Senator is quoting apply to the Senate bill before it was amended.

Mr. BYRNES. I have said so several times, that it was the bill as it was reported by the committee. I was prompted to make the inquiry because of the map furnished by the Department based upon the House bill.

Mr. President, I came from the coast section of my own State, and I noted that in the county of Charleston, where I was born, under the provisions of the bill in the House there would be an increase of more than 500 percent. I knew the farmers there could not use that much land and that if a 500-percent increase were allotted to that county it would mean that the cotton would not be planted, that the farmers would plant vegetables and truck; but that increase had to come from other counties.

The county in my State in which I now live is the largest cotton-producing county, and under the provisions of the House bill, as reported, it would be allowed next year just 70 percent of the acreage of this year.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. BYRNES. I must decline to yield now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. BYRNES. Let me state what it would mean in my county to reduce the acreage to 70 percent of this year's crop. In the county in which I live there are small farmers; men who live on their farms and do their own work with their families working in the fields. To reduce the acreage to 70 percent of this year's crop would result in nothing short of civil war next year. That provision in the House bill disappeared, and I am informed that as the bill passed the House it was improved upon.

In the Senate the Senator from Louisiana [Mr. OVERTON] offered an amendment to paragraph (1) which has improved it to a great extent. But let me state the situation which confronts the cotton-growing States.

A new basis is being provided. I do not know what effect it will have in my State; I have not been able to ascertain. Paragraph (3) provides:

> The number of families composed of two or more persons actually residing annually on and actually engaged in the production or growing of cotton, together with other farm crops, on the tilled lands of the county.

What does that mean? I do not know. I know the theory of the bill, and I know that if I were administering the law I would have to take a census before I could make an allotment. I would have to take a census to find out how many families there were, how many families of two or more, and how many of such families were actually residing on the land and actually engaged in the production of cotton; and I could not put the law into effect in 12 months.

What are we to do about it? Whoever framed the bill had an entirely different theory. We find, on page 34, in subdivision (b), the provision:

The national marketing quota shall be apportioned by the Secretary among the several States—

How?—

on the basis of the proportion that the normal production of cotton for such State is of the national marketing quota.

That is how it is to be divided among the States. Then, when we get to the next page, having gotten a quota for the State, the question is, How will we divide it within the State?

Paragraph (2) on the next page follows the policy set forth as to the States, and in paragraph (2) it is provided that the quota allotted to the State shall be divided among the counties in "the proportion that the normal production of cotton for the county is of the State marketing quota." Following the exact statement upon which the allotment for the State is based, we fix a basis for the county in paragraph (2). But then there are put into it two entirely different factors, subsections (1) and (3). What they mean, the Lord only knows.

I feel better about No. (1) by reason of the amendment of the Senator from Louisiana [Mr. OVERTON], because I think it destroys No. (1). If I did not think that, I would feel terrible about No. (1). But I know that No. (3) can never be enforced unless the Census Bureau is called in to take a census of the farmers. If whoever drew the bill or whoever introduced it had the logical idea of saying that the production for the State shall be so and so, and the same principle shall apply to the county, we would then know what would happen under its provisions. If we look into the definition, we find that the bill provides that the normal yield shall be the yield for 5 years. Whatever trouble may have arisen during the 5 years—and trouble did arise—it was settled 5 years, or 4 years, or 3 years ago, and now the farmers have become reconciled to it.

The basis is established. Just as soon as we establish it, then the proponents of this plan come along and say we are going to uproot it all, and we are going to make a new division. To call for a census of the families and make a new apportionment, when nobody knows what it is going to do, will cause more dissatisfaction than anything else that could possibly be done.

Mr. President, so far as I am concerned, this is the most important part of this bill; and if it would cause in my State the result that it caused in the State of Mississippi, so far as the map heretofore presented shows, then, so far as I am concerned, I will vote against the whole bill, because I am not prepared to see the individual farmers engage in civil war in my State—the little fellows about whom we have heard so much.

The Senator from North Carolina [Mr. REYNOLDS] spoke for about a half hour the other day about the little farmer. The Senator is not here now. When we tell the little farmer who lives on his farm and who cultivates his farm, the man concerning whom we have heard so much oratory, that he can plant next year only 70 percent of the acreage planted this year, and that we are going to take his acreage and give it to another county in which they cannot plant that acreage, we might as well tell him we will give it to Michigan or Indiana, because they can use it just as well.

The Department of Agriculture has worked this thing out over a period of 5 years. It has worked it out with the county committees and the State committees, and they arrived at the basis they now have. When we disturb it we ought to have some good reason for doing so. We should at least know where we are going. I am willing to leave it to the Department; but if we are not going to do that, then we ought to stick to subsection No. (2) in respect to allotment. That provides the same basis that we use in allotting cotton to the States. If we are going to do it on the basis of the analysis of the number of families who are actually engaged in the cultivation of cotton, whether on their own home farms or as tenants or sharecroppers, we will not put this plan into operation for 2 years after the bill is passed.

Mr. President, I hope that subdivision (2) will be agreed to, but that subdivision No. (1) and subdivision No. (3) will be stricken out.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. BILBO. The Senator made the statement that during the last 4 or 5 years they have been operating on this basis and that the farmers are now all satisfied.

Mr. BYRNES. I said "reconciled."

Mr. BILBO. Reconciled, or satisfied, or contented, or any way the Senator wants to put it. I simply want to state for the Senator's information that in practically three-fourths of the counties in my State the farmers have held mass meetings and have said that unless there is a change in the allotment they do not want any control bill. If the Senator wants to kill the cotton-control program in respect to the referendum vote to be taken, if the Senator does not agree to some equitable adjustment of the injustice that has been done, why, then, let him defeat the whole program.

Mr. BYRNES. Mr. President, I am entirely content to do this. I understand that subdivision No. (1) and subdivision No. (3) were inserted in the bill by the Senator from Mississippi [Mr. BILBO]. I am entirely agreeable to have an amendment providing that those factors shall apply to the State of Mississippi. I am entirely willing that that should be done. The Senator knows the State of Mississippi, but I know the State of South Carolina. I am entirely content to have him provide that allotment for the State of Mississippi, but I do not want him to destroy all the other cotton States in order to help the State of Mississippi.

Mr. BANKHEAD. Mr. President, I occupy a rather difficult position in this matter, but I feel it is my duty to express my convictions in view of all that has taken place here. The bill as originally introduced broke down into county apportionments on exactly the same basis as the apportionments were made between the States, namely, on the basis of the average for the last 5 years, and that included the year just behind us, 1937, with the wonderful yield and production in every State and in every county in the Cotton Belt. The bill was so introduced. At least the cotton section was so prepared and so presented by me as the author of the cotton title in the main.

The Senator from Mississippi [Mr. BILBO] desired amendments to that, which he frankly stated were intended to shift production, and he frankly stated here on the floor that he desired under some formula to shift production from some counties in his State to other counties in his State. He thinks that is right. I have no quarrel with that. We went along with this bill for some time and a number of suggestions which were presented were rejected, and finally I agreed that these two amendments proposed by the Senator from Mississippi may be put in the bill. If it had been left to me alone I would not have raised any controversy about the matter. Controversy has been raised, however. I think it is demonstrated that an overwhelming majority of the Senators from the cotton States are opposed to the amendments presented by the Senator from Mississippi.

It seems to me that the fair thing to do, and the best thing to do, is to preserve as best we can the status quo especially as presented by the most current, up-to-date experience in the production of cotton. That status quo was preserved, and is preserved without controversy here in the division of the allocations between the States. If the argument for the shifts from one area to another is justified, then it would be equally justified for shifts from one State to another on the same principle. But we worked out a basis here, and it seems to me that the safest plan, the most equitable plan, the one that will do the least injustice to localities is to preserve a situation that has been built up by the farmers themselves.

The Senate has heard more or less about correcting injustices that were done under the former control program.

The truth is that we never had but 1 year under a control program except as it was worked out by voluntary agreements. The Bankhead Cotton Act was not passed until 1934, and not approved until late in April, and by that time all the cotton had been planted, and planted under the voluntary contracts made under A. A. A. So that measure at that time did not change in any material way the quantity of cotton produced or planted on the farms. It did work injustice in limitations upon the sale of cotton produced on many farms, but not in the matter of cotton planted or acreage planted, and the total yield from the farms and from the counties and from the States. That is a well-known fact, probably to every Senator in the Cotton Belt. The first year was not changed by the control program. I am not talking about the injustice in the baleage allotments; but the acreage and the production were not brought under the provisions of that control program until after the cotton crop had been planted. The injustices came in the baleage allotment.

So the matter proceeded, and in 1935 the Department of Agriculture followed the basis adopted in 1934, very much against my protest and my earnest appeals. But for one year, in 1935, the crop was planted after the control program went into operation.

The Senate will recall that the A. A. A. was invalidated early in January 1936, and that was followed by the repeal of the Bankhead Act, so that all planting of cotton in 1936 and all planting of cotton in 1937 has been entirely voluntary. The acreage adopted on every farm has been as the result of the voluntary action of the farmer engaged in farming the farm. There has been no compulsory control of any sort.

So that instead of acreage being taken away from one county and added to another, under the old program it was simply built up upon the historical experience of the farmers in those counties themselves. They made a record of production. Of course, in some counties where there were cut-over timber lands, additional farms had been brought in, but cotton cultivation itself had practically all been voluntary, both the planting and the failure to plant. That applies to the allotment to the States as well as it does to the counties.

I think it will be unfortunate, Senators, to bring about any general shift in production from county to county. County economy has been built up over a number of years in various counties, upon the basis of the volume of cotton produced in those counties and the probable return from the sale of that cottonseed.

If we do adopt the plan which brings about important shifts, we upset and disjoint a long built-up voluntary situation in the various counties in the Cotton Belt. I submit to the Senate that it is a dangerous thing to do.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. Complaint has been made to me that if we adopt the basis referred to now by the Senator from Alabama it would also bring in those who do not cooperate, and those who did not theretofore diversify. Is that true?

Mr. BANKHEAD. No; that would have no effect at all. This is a program which provides within the county the number of bales that should be allotted in that county, without regard to cooperation or noncooperation. That has nothing to do with the allotment to the individual farms.

Mr. CONNALLY. I may again interrupt the Senator to say that my view is that the counties ought to be prorated on the same basis as the States. I think some consideration ought to be given to the matter I just pointed out within the county.

Mr. BANKHEAD. The committee did, as the Senator will find. We have adopted in the main a percentage of the cultivated acreage on each farm, regardless of past history, regardless of cooperation or noncooperation. We put the farms upon the basis of a percentage of the tilled land upon the farms and therefore gave to every farm the same proportion of tilled land to be planted to cotton, regardless of historical experience. We wiped out all of those old injustices. We wiped out all the previous formulas and rules for allotment.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. BANKHEAD. Yes; I yield to the Senator from Mississippi.

Mr. BILBO. If the Senator contends that no injustice is being done to the hill sections of the Cotton Belt, how does he explain the fact that there have been so many mass meetings of the cotton farmers in the hill sections, demanding that in any control program passed by this Congress the injustices or grievances be wiped out and adjusted?

Mr. BANKHEAD. In the first place, I have not heard of any such meetings. I myself live in a hill county, live in the mountains, and I have not heard of any such meetings.

Mr. BILBO. Will the Senator agree to pass over this part of the bill, and let me present to the Senate tomorrow resolutions showing what has happened and is happening?

Mr. BANKHEAD. I do not think that would change the program. It would not change my judgment, because I do not know what representations were made. I have in my desk now a petition which came from one of the counties in the State of Mississippi, signed apparently by several thousand farmers in a congressional district down there, where the representative came up here and claimed that his people were all against compulsory control. The petition was sent to me. I showed it to the Senator.

Mr. BILBO. That is an entirely different question.

Mr. BANKHEAD. I showed the Senator the signatures of several thousand voters upon the petition, showing that on the representations made by the representative from that district, they may have opposed compulsory control, but that on a full consideration they were in favor of compulsory control.

I agree with the Senator, but I call his attention to the fact—and I think he will find, if he will examine his resolutions, that they are consistent with what I am saying—that they have protested against the individual farm allotments, and not the State or the county allotments.

Mr. BILBO. No; the Senator is wrong about that.

Mr. BANKHEAD. I assume they have urged, in the Senator's territory, as they have in mine, that the basis for farm allotments be changed to a percentage of the cultivated acreage upon the farms.

Mr. BILBO. With all due deference to the Senator from Alabama, he is wrong in that statement; and I want to make this observation——

Mr. BANKHEAD. I may be, but I would not change my mind if some of the Senator's constituents in the hills down there wanted to take cotton away from other counties. That would not change my judgment.

Mr. BILBO. I am convinced that the Senator from Alabama has his mind made up; but I shall not desist from trying to get before the Senate the great wrong that is being done to the hill farmers in the Cotton Belt.

Mr. BANKHEAD. The Senator will admit that under this program the hill farmers get their proportion based upon the production they have had for the past 5 years.

Mr. BILBO. Very well; but that production has been cut down by the program which has been in force heretofore. That is what I was complaining about.

Mr. BANKHEAD. How was it cut down?

Mr. BILBO. It has been cut down for the past 2 years under the soil-conservation campaign. I hold in my hand the Government's estimates of the percentages in which the farmer was permitted to plant cotton if he enjoyed any soil-conservation payments, which show that many counties were getting 80 percent and others 25 percent, some 24 percent, some 17 percent——

Mr. BANKHEAD. Mr. President, I cannot yield any more of my time.

The PRESIDING OFFICER. The Senator declines to yield further.

Mr. BANKHEAD. The Senator from Mississippi has had a great deal of time. He is now talking, as everybody familiar with this situation knows, about farm allotments, and not county allotments. The county allotments have always been made upon the basis of the official ginning records.

Mr. BILBO. These are the allotments by counties.

Mr. BANKHEAD. Yes; and they are made, not upon the basis the Senator has indicated, but they have been made all the time upon the basis of the percentage that the county's ginning bears to the State's ginning, a matter of official record from the ginning records. Under that basis, of course, no allotment could be taken away from any county, nor could any injustice be done it in the matter of making county allotments.

As to the third proposition, for a census, my friend from South Carolina [Mr. BYRNES] has discussed it. I do not know what effect it would have. I do not know whether it would make any changes or not. I know it would take a long time to develop it when you go to count each family on each cotton farm in each county and in each State in the Cotton Belt. If you should delay until that count was completed and that census taken before you could make an allotment to counties, it would be too late to do it.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. OVERTON. Mr. President, when the bill was reported by the Agricultural Committee of the Senate it provided, in paragraph (1) of subsection (c) of section 31, that the Secretary of Agriculture, in making allotments for cotton production, should take into consideration the proportion that the land devoted to tilled lands on cotton farms in the county is of the land devoted to tilled lands on all cotton farms in the State.

"Tilled lands" are defined in the bill to be all lands that are devoted to soil-depleting row crops and soil-depleting feed crops. Therefore, as the bill was reported by the committee, the Secretary of Agriculture would have to take into consideration on any cotton farm not simply the land that was devoted to the production of cotton, but the land that was devoted to any other crop; as, for instance, peanuts or wheat or corn or sugar. It was manifestly unfair that we should undertake to allocate among the different counties an allotment of cotton based on the production of wheat or sugar or peanuts or other crops.

I offered an amendment the purpose of which was to correct what I conceived to be that error. That was the sole purpose of my amendment. Paragraph (1), therefore, under my amendment, calls upon the Secretary of Agriculture to take into consideration the lands on cotton farms that are devoted to the cultivation of cotton and to home-consumption crops.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. OVERTON. Yes; I yield to the Senator from New Mexico.

Mr. HATCH. I stated to the Senator from Louisiana a while ago that in my opinion his amendment did greatly improve paragraph numbered (1), which I think it does. I ask the Senator from Louisiana now if in his opinion it would not be better from an administrative standpoint and every other standpoint to eliminate paragraph (1) altogether? Would not the bill be better if that paragraph were eliminated?

Mr. OVERTON. I may say to the Senator from New Mexico that he and I discussed paragraph (1), and I was largely influenced in the amendment I proposed by his analytical consideration of paragraph (1). The reason why I worded my amendment so that the Secretary of Agriculture could take into consideration home-consumption crops was to do justice to the cotton farmers who had undertaken to diversify, who had undertaken to plant a portion of their lands to feed crops for their livestock, and to vegetables and other products that went upon their tables.

I did not think it was proper for the Secretary of Agriculture not to take into consideration the little farmer—and it is especially the little farmer who has undertaken to produce home-consumption crops in the way of food for his family and feed for his livestock—in making these allocations, because, as a matter of fact, the great complaint I have received from the small farmers is that under the old regime; whether it was under the A. A. A. or under the Bankhead Act or what not, in the past the little farmer has, under the allocations, been reduced to a mere pittance. He depends on cotton as his cash crop, and some of them have received an allocation below one-half a bale; and how can the little farmer subsist upon the income that would be produced from the sale of a half bale of cotton?

Mr. HATCH. Mr. President, if the Senator will yield further——

Mr. OVERTON. I shall be very glad to yield.

Mr. HATCH. That would hardly be possible under the other amendment providing for 7½ acres.

Mr. OVERTON. I think that is a great help.

Mr. McKELLAR. Mr. President, does not that wholly protect the farmer?

Mr. OVERTON. I want to say that if paragraph (1) is retained in the bill it certainly ought to be retained as modified by the amendment I have proposed. Otherwise a very great injustice will be done to the cotton farmer, and I think everybody agrees to that. Whether paragraph (1) shall be retained or not, as far as I am concerned, I have no recommendation to make to the Senate; but if it is retained, I think it ought to be retained as modified by the amendment I propose.

I shall be very glad now to yield to the senior Senator from Tennessee.

Mr. McKELLAR. Mr. President, I was just going to ask the Senator if the essential provision for the small farmer, the one that protects him, is not the amendment offered by the Senator from Mississippi of 7½ acres?

Mr. OVERTON. I think that is a great protection to him.

Mr. McKELLAR. I think so, too. I think that protects him.

Mr. OVERTON. I think the little fellow who did under the past regime, during the past 5 years, undertake to plant home-consumption crops for the sustenance of his family and the livestock on his farm ought to be given consideration for the acreage that he has devoted to that purpose.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. OVERTON. I shall be glad to yield.

Mr. CONNALLY. I understand that the Senator's amendment to paragraph (1) has already been adopted.

Mr. OVERTON. It has already been adopted.

Mr. CONNALLY. So it is now a part of paragraph (1).

Mr. OVERTON. It is a part of paragraph (1).

Mr. CONNALLY. The vote will come on the retention of paragraph (1). If it is retained, the Senator's amendment will be retained. If it is not retained, as I understand, the Senator is indifferent.

Mr. OVERTON. I thank the Senator from Texas for that suggestion, because that is the parliamentary situation.

Mr. CONNALLY. As I understand, then, the Senator is satisfied whether his amendment goes out or whether it is retained, because his amendment will be a part of the paragraph if it is retained.

Mr. OVERTON. Yes; that is correct.

The PRESIDING OFFICER. The question is on the subsection as modified.

Mr. BYRNES. Mr. President, is the pending question on the adoption of the paragraph?

The PRESIDING OFFICER. On the adoption of the paragraph as amended.

Mr. BYRNES. On page 35, beginning with line 3, I move to strike out subsection (1); and beginning on line 8, I move to strike out subsection (3).

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. I understood that under the ruling we have been considering these paragraphs separately, so that each one would come up automatically.

Mr. BYRNES. I thought as did the Senator from Texas.

The PRESIDING OFFICER. The Chair will state that these subparagraphs went in with the section, and they have been amended. They were simply passed over, so that until the amendment was proposed by the Senator from South Carolina the question recurred upon the paragraph as amended.

Mr. CONNALLY. What is the paragraph—(c)?

The PRESIDING OFFICER. Paragraph (c).

Mr. CONNALLY. The entire paragraph (c)?

The PRESIDING OFFICER. That is correct.

Mr. CONNALLY. If that is correct, it is necessary to offer the amendment.

Mr. BYRNES. I offer the amendment.

Mr. OVERTON. Mr. President, before I vote upon that amendment I should like to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. Does the RECORD show that the amendment I have proposed on page 36, line 6, has been agreed to?

The PRESIDING OFFICER. That has been agreed to.

Mr. OVERTON. I desire to know whether it has been agreed to, and does the RECORD show that it has been agreed to?

The PRESIDING OFFICER. It has been agreed to, and the RECORD shows that it has been agreed to.

Mr. BYRNES. The first amendment I offer is to strike out paragraph (1), beginning in line 3, page 35.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. BYRNES].

Mr. BILBO. Mr. President, I presume I have a right to speak on the amendment?

The PRESIDING OFFICER. The Senator has 15 minutes on the amendment.

Mr. BILBO. Mr. President, being a member of the Committee on Agriculture and Forestry and knowing the demands of the people of my State representing three-fourths of the State, I sought to respond to their wish and their appeal by perfecting all of subsection (c) by the addition of the two proposals of this formula.

I am very anxious that the control program be voted for when the referendum is held, but knowing the temper and attitude of the people of my State, knowing of the injustices which I have repeatedly enumerated here tonight, and that unless there is placed in the hands of the Secretary of Agriculture some authority and some discretion so that he will be in a position to correct those inequalities, I am fearful of the final adoption of the farm program by the people of the Cotton Belt. I think the whole program will be jeopardized. I can tell by the resolutions adopted by mass meetings in my State, the telegrams, letters, and petitions that come to me from the hill sections of my State, that they are keenly interested, and even if they are not aroused at this time, when they find out what will happen to them and how they have been discriminated against, I prophesy that the storm will increase and will jeopardize the whole program.

Again I want to call the attention of the Senate to how this injustice has been operating as disclosed by a sheet that has been prepared by the Department as to the cotton-base ratio of 1936 as compared with the croplands of various counties.

I invite attention to the county of Alcorn, Miss., one of the most populous white counties in the State, where there is a cotton farmer on every hill and in every valley. Under the soil-conservation campaign and under the A. A. A. campaign they have been permitted to grow only 43.8 percent of their croplands in cotton.

In the county of Leflore, where they do large plantation farming, insurance-company farming, city farming, they are permitted to plant 73.5 percent of the croplands of that county to cotton.

In Chickasaw County only 43.4 percent of the croplands are permitted, under the control program of soil-conservation and the cotton-control program under the Bankhead Cotton Act, to be planted to cotton, and that is all that will be permitted to be planted to cotton under this bill unless the amendment is adopted; but in Coahoma County 83.2 percent of the croplands may be planted to cotton.

I note in the splendid county of Greene only 30.6 percent of the croplands of the county are permitted to be planted to cotton. In Tunica County, 75 percent of the croplands may be planted to cotton. In Neshoba County, which is one of the populous counties of the State, 55 percent of the croplands are permitted to grow cotton, and that is the same basis that my friends the Senator from South Carolina [Mr. BYRNES] and the Senator from Alabama [Mr. BANKHEAD] are trying to enforce under this bill. Only 55 percent of their base acreage today of the croplands in that county will be permitted to grow cotton, and if there is any additional reduction, it must come off that percentage. Yet right across the way in Humphreys County 78.5 percent of the croplands are permitted to be grown in cotton.

The percentage in some of the other counties is as follows: Jones County, 43.7 percent; Smith County, 49.7 percent; Lee County, 48.6 percent; Stone County, 24 percent. Stone County is a splendid agricultural county, and yet under the crop-control basis those farmers have been discriminated against until they are permitted to grow only 24 percent of their croplands in cotton, while the rich fertile county of Bolivar may grow 84.4 percent. This is the result of the program which my friends, the Senators from Alabama and South Carolina, want to put into this bill.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. BILBO. I yield.

Mr. SCHWELLENBACH. I should like to make inquiry about the status as between the text of the House bill and the provisions of the Senate bill. In making that inquiry I should like to make this statement, with which I think the Senator from Mississippi will agree.

I am a member of the Committee on Agriculture and Forestry. The question of all the details of the cotton title of the bill was very largely, almost exclusively, left to the representatives of the States in which cotton is grown.

Mr. BILBO. That is correct.

Mr. SCHWELLENBACH. Those representatives reported back to the committee on a title. So far as I am concerned, and I think so far as the committee was concerned, there was not involved in that title any dispute such as we have before the Senate now. If there was a dispute it should have been presented to the committee and should have been argued there. It is extremely difficult for those of us who are not familiar with the problems of the cotton States even to understand the meaning of this discussion. It seems to me that, if possible, this dispute should be left to the conferees with the hope that there the problem may be worked out.

I should like to inquire whether or not there is a sufficient difference between the text of the House bill and the provisions of the Senate bill, if the amendment of the Senator from South Carolina is adopted or if the amendment of the Senator from South Carolina is rejected, to have this question fought out by the conferees?

Mr. BILBO. If the amendment of the Senator from South Carolina is adopted it would do away with any opportunity to correct the inequities in conference, because there is nothing in the text of the House bill that would enable us to put this proposition into conference. It is my understanding, as a member of the committee, that this formula, with three legs on it, was agreed to by the committee and that the committee came before the Senate as a body recommending it. I am sorry to see that one of the members of the committee has gone astray.

What I am contending is that if there be any question about the effect this is going to have, then let the amendments go to conference with the House conferees, and let us

find out in the meantime if there is any possibility of adjusting the differences.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BILBO. Certainly.

Mr. OVERTON. I have been informed that if the amendment of the Senator from South Carolina is adopted there *will* be nothing in conference, because the provision in the text of the House bill is similar to subparagraph (2).

Mr. BILBO. That is correct.

Mr. OVERTON. That is all that under the amendment of the Senator from South Carolina would be retained in the Senate bill.

Mr. BILBO. That is correct. I appreciate the Senator's contribution because it is the truth about the situation. If we adopt the amendment offered by the Senator from South Carolina it would destroy any opportunity on the part of the conferees even to consider adjustment of the wrongs about which three-fourths of the counties of one Commonwealth have complained. I certainly think the three proposals ought to go to conference so we may have an opportunity to try to bring about an adjustment.

Mr. McGILL. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. McGILL. I believe the Senator is mistaken with reference to the cotton provisions of the House bill. I should like to inquire of the Senator, from his examination of the bill, if there is anything in the House bill similar in language or any language having a meaning that would be similar in character to subparagraphs (1) and (3) on page 35 of the Senate bill.

Mr. BILBO. I yield to the Senator from Arkansas [Mr. MILLER] to answer the Senator's question.

Mr. MILLER. Mr. President, the provision in the House bill with reference to the allotment or apportionment to the counties is found on page 67 in paragraph (c), and a reference to it discloses that no formula is prescribed in the House bill, so that if subparagraphs (1) and (3) are taken out of the Senate bill in accordance with the amendment proposed by the Senator from South Carolina [Mr. BYRNES], then the only method of apportionment would be under subparagraph (2) of the Senate bill, which corresponds to paragraph (d) of the House bill, so there would really be nothing in conference except some language which, when analyzed, means the same thing.

Mr. McGILL. The Senator from Arkansas is of the opinion that if subparagraphs (1) and (3) are retained, the subject matter would be in conference?

Mr. MILLER. There is no doubt about it.

Mr. NEELY. Mr. President, for reasons that should be obvious to anyone who has listened to the 32 utterly conflicting speeches on the subject of cotton that have been made here since 4 o'clock, I move to amend the pending amendment by adding after the last word thereof the following:

> The Chair shall immediately appoint a committee of three, who, by peaceful means, shall endeavor to prevail upon at least two Senators from cotton-growing States to agree before Christmas upon at least one sentence of the pending bill relative to the production and control of cotton.

[Laughter.]

The PRESIDING OFFICER. The amendment is not in order. The question is on agreeing to the amendment of the Senator from South Carolina. [Putting the question.] The Chair is in doubt.

Mr. McGILL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McGILL. Are we voting on the amendment proposed by the Senator from South Carolina or upon the committee amendment?

The PRESIDING OFFICER. The question is upon the motion of the Senator from South Carolina [Mr. BYRNES] to strike out subparagraph (1) of paragraph (c) on page 35 of the bill.

Mr. BILBO. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). On this vote I have a pair with the senior Senator from Delaware [Mr. TOWNSEND], but I have been informed that on this question he would vote as I shall vote. I vote "yea."

The roll call was concluded.

Mr. AUSTIN. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS];

The junior Senator from North Dakota [Mr. NYE] with the Senator from Illinois [Mr. LEWIS]; and

The senior Senator from North Dakota [Mr. FRAZIER] with the Senator from Massachusetts [Mr. WALSH].

I am advised the Senator from North Dakota [Mr. FRAZIER] would if present vote "nay."

Mr. MINTON. The Senator from Florida [Mr. ANDREWS], the Senator from Tennessee [Mr. BERRY], the junior Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Missouri [Mr. CLARK], the Senator from Rhode Island [Mr. GERRY], the Senator from Iowa [Mr. GILLETTE], the senior Senator from Virginia [Mr. GLASS], the Senator from South Dakota [Mr. HITCHCOCK], the Senator from Illinois [Mr. LEWIS], the Senator from Kentucky [Mr. LOGAN], the Senator from Nevada [Mr. PITTMAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Oklahoma [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained from the Senate.

The Senator from Delaware [Mr. HUGHES] is absent on account of illness.

Mr. BARKLEY. On this vote I have a pair with the senior Senator from Michigan [Mr. VANDENBERG], who is absent. Not knowing how he would vote if present, I withhold my vote.

The result was announced—yeas 47, nays 19, as follows:

YEAS—47

Adams	Chavez	Holt	Pope
Ashurst	Connally	King	Radcliffe
Austin	Copeland	Lee	Reynolds
Bailey	Dieterich	Lodge	Russell
Bankhead	Donahey	McAdoo	Sheppard
Bone	Duffy	McCarran	Steiwer
Bridges	Gibson	McKellar	Thomas, Utah
Brown, N. H.	Graves	McNary	Truman
Bulkley	Hale	Maloney	Wagner
Bulow	Hatch	Murray	Wheeler
Burke	Hayden	O'Mahoney	White
Byrnes	Herring	Pepper	

NAYS—19

Bilbo	Guffey	Lundeen	Neely
Brown, Mich.	Harrison	McGill	Overton
Ellender	Johnson, Colo.	Miller	Schwartz
George	La Follette	Minton	Schwellenbach
Green	Lonergan	Moore	

NOT VOTING—30

Andrews	Davis	Lewis	Thomas, Okla.
Barkley	Frazier	Logan	Townsend
Berry	Gerry	Norris	Tydings
Borah	Gillette	Nye	Vandenberg
Byrd	Glass	Pittman	Van Nuys
Capper	Hitchcock	Shipstead	Walsh
Caraway	Hughes	Smathers	
Clark	Johnson, Calif.	Smith	

So Mr. BYRNES' amendment to the amendment of the committee was agreed to.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from South Carolina [Mr. BYRNES] to strike from the committee amendment paragraph (3), which will be stated.

The CHIEF CLERK. On page 35, line 8, it is proposed to strike out the following:

> (3) The number of families composed of two or more persons actually residing annually on and actually engaged in the produc-

tion or growing of cotton, together with other farm crops, on the tilled lands of the county.

The amendment to the amendment was agreed to.

Mr. CONNALLY. Mr. President, I have consulted the members of the Committee on Agriculture and Forestry, and I offer an amendment to the committee amendment to be inserted at the end of line 7.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to insert at the end of line 7, page 35, the following:

The marketing quota for irrigated lands within irrigation districts wherein because of injury to or destruction of irrigation works or lack of a normal supply of water or other cause such lands have not for the past 5 years had a normal production of cotton, shall not be less than 70 percent of the amount of cotton produced on such lands in 1937.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LEE. Mr. President, I wish now to offer a substitute for the cotton title to the bill.

The PRESIDING OFFICER. The amendment is now in order, all the amendments to the cotton title having been acted on.

Mr. BAILEY. Mr. President, I had understood that I would be allowed to offer an amendment to the cotton title.

Mr. BARKLEY. Mr. President, when the title was being considered a day or so ago, the Senator from North Carolina suggested that he desired to offer an amendment to the title, and I assured him that when the time came there would be no objection so far as I was concerned; and if he has the amendment to offer, it should be offered before the substitute for the entire title is presented.

Mr. BAILEY. I will detain the Senate but a moment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky that the Senator from North Carolina be permitted to offer an amendment to the cotton title? The Chair hears none, and the amendment will be stated for the information of the Senate.

The CHIEF CLERK. It is proposed to insert at the proper place in the bill the following:

Sec. —. If any producer of cotton shall have contracted with the Department of Agriculture (1) to sell not less than 30 percent of his cotton crop for export, (2) to comply with the stipulations of the Department as to soil conservation and the planting of non-soil-depleting crops, and (3) not to plant a larger acreage to cotton than his 10-year average (1927–37), he may elect at his option to receive in lieu of all other rewards, except loans under title VII, a bounty of $10 per bale of 500 pounds for that portion of his annual crop of cotton sold by him for export not exceeding, however, 60 percent of his production for any year, and the penalty herein provided shall not be imposed upon such farmer save in respect to such cotton as he produces in any year in excess of said 10-year average. This section shall apply whenever the spot market price of Middling cotton is 12 cents or less per pound.

The Secretary of Agriculture shall prepare and publish appropriate rules and regulations to carry into effect the purpose and intent of this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina.

Mr. BAILEY. Mr. President, is it too late for me to explain the amendment? I am satisfied that Senators will favor it.

The PRESIDING OFFICER. The Senator is in order if he wishes to explain the amendment.

Mr. BAILEY. I will be very brief because it is late, and I do not wish to detain the Senate.

The amendment is an amendment which does not add to the expense of the bill. It does provide, however, that a cotton farmer complying with the terms of the law and the stipulations of the Department of Agriculture shall be permitted, at his option, to take a bounty of $10 a bale in lieu of all other benefits under the law.

My reason for putting forward the amendment is that there is nothing in the proposed legislation, there is not a word in the bill, tending to preserve to the American people their export trade in cotton. We know that that trade has been lost very rapidly the last 5 years. We know that the foreign production of cotton has increased by 84 percent in the last 5 years. We know that unless we do something to preserve our export trade in cotton practically all the remainder of our cotton trade abroad, about 5,000,000 bales now, will go the way of the other 5,000,000 bales.

I offer the amendment in order to get before the Senate, in the first place, and through the Senate, before the conferees, the principle of a substitution of benefits under the bill in order to encourage and I hope to preserve to some extent our export trade in cotton. Upon that I will be perfectly willing to have a vote.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. CONNALLY. Does the Senator's amendment require that in order to get the $10 the farmer must cooperate like every other farmer?

Mr. BAILEY. Absolutely. I put down the stipulation seriatim. He must comply with all the terms.

Mr. CONNALLY. When does he have to exercise his option?

Mr. BAILEY. He exercises the option when he agrees to sell his cotton, either 30 percent—that is the minimum—or up to 60 percent of his cotton. He can do that when he gets the cotton in his hands.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. OVERTON. Does the Senator's amendment apply only to cotton that is exported, or to cotton that has to be used?

Mr. BAILEY. Just to the export cotton; that is all; and that is only for 60 percent of his crop. It cannot be more than that.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. BAILEY].

The amendment was agreed to.

Mr. BANKHEAD. Mr. President, the senior Senator from South Carolina has a very important amendment that he wishes to offer. He is unable to be here tonight. It is an amendment with respect to purchase of cotton. I want to see if the right can be preserved to him to present that amendment tomorrow. I told him when he left that I did not think we would finish the consideration of the bill tonight and he went away with the understanding that it would not be finished.

Mr. BARKLEY. Mr. President, is that an amendment to the cotton title?

Mr. BANKHEAD. It is not necessarily an amendment to the cotton title, but it relates to cotton. It is an amendment directing the Commodity Credit Corporation to go into the market and buy a certain quantity of cotton.

Mr. BARKLEY. Would that be an amendment in the cotton title?

Mr. BANKHEAD. Not necessarily at all; but I did not want to take any chance about it.

Mr. BARKLEY. My reason for inquiring is that if it is not essentially offered to the cotton title, the Senator from Oklahoma [Mr. LEE] desired to offer his substitute to the cotton title and speak on it for 15 minutes; so if that amendment has to be offered in another place in the bill we might be able to dispose of the substitute with no prejudice to the Senator from South Carolina.

The PRESIDING OFFICER. Will the Senator from Kentucky permit the Chair to make a statement? The Chair is informed that the amendment presented by the Senator from South Carolina [Mr. SMITH] was ordered to be printed and to lie on the table. The Senator asks that it be inserted at page 82.

Mr. BARKLEY. That is not in the cotton title, so there is no prejudice.

Mr. BANKHEAD. That is entirely agreeable. I wanted to see that the Senator's rights were preserved, and that he did not lose his rights through any technicality.

Mr. President, before the Senator from Oklahoma [Mr. LEE] speaks, I wish to say that several days ago I gave notice that I would offer an amendment defining parity payments. It is not necessarily a part of the cotton title, because it relates to all of these commodities—wheat, cotton, and corn. I do not want to lose the right to present that amendment.

I am sure it is not controversial in any way; but if it is necessary to present it now, I should like to do it.

The PRESIDING OFFICER. Is the amendment to be inserted in the cotton title?

Mr. BANKHEAD. No, Mr. President; it is to go on page 73 of the bill.

The PRESIDING OFFICER. Then the Senator will not lose any rights so far as the cotton title is concerned.

Mr. BANKHEAD. That is all I wanted to know.

Mr. POPE. Mr. President, has the Senator from Oklahoma the floor?

The PRESIDING OFFICER. No; the Senator from Oklahoma has not the floor now, but the Chair proposes to recognize him if all the amendments to the cotton title have been disposed of, since the Senator from Oklahoma desires to offer an amendment in the nature of a substitute for the cotton title.

Mr. POPE. Then I yield the floor, because my amendment is to another part of the bill.

Mr. CONNALLY. Mr. President, I have an amendment which does not modify any language of the cotton section, but it does relate to the establishment of a cotton research laboratory. If it can be done without prejudice it might be well for that amendment to go over until tomorrow.

Mr. BARKLEY. Yes; there is no question that it can be passed over until tomorrow without prejudice.

Mr. LEE. Mr. President, I am perfectly agreeable to deferring consideration of my substitute until tomorrow; but if it is desired that I do so, I shall speak on it and take advantage at this time of the opportunity to offer my amendment to the bill in the nature of a substitute for the cotton title.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Oklahoma [Mr. LEE] in the nature of a substitute will be printed in the RECORD at this point and considered as having been read.

Mr. LEE's amendment is as follows:

In lieu of the matter proposed to be inserted by the committee amendment, page 31 to line 11, page 40, insert the following:

"TITLE III—DOMESTIC ALLOTMENTS FOR COTTON

"SEC. 30. The Congress herewith finds as follows:

"(a) The marketing of cotton constitutes one of the great basic industries of the United States with ramifying activities which directly affect interstate or foreign commerce at every point, and stable conditions therein are necessary to the general welfare. Cotton produced for market is sold on a Nation-wide market and practically all of it and its products move almost wholly in interstate or foreign commerce from the producer to the ultimate consumer. The manufactured products of cotton are used for necessary clothing by nearly every person in the United States. The farmers producing such commodity are subject in their operations to uncontrollable natural causes, are widely scattered throughout the Nation, and are not so situated as to be able to organize effectively, as can labor and industry, for joint economic action; and in many cases such farmers carry on their farming operations on borrowed money or leased lands. For these reasons, among others, the farmers are unable without Federal intervention to control effectively the orderly marketing of such commodity with the result that abnormally excessive supplies thereof are produced and dumped indiscriminately on the Nation-wide and foreign markets.

"(b) The disorderly marketing of excessive supplies affects, burdens, and obstructs interstate or foreign commerce by (1) materially affecting the volume of such commodity marketed therein, (2) disrupting the orderly marketing of such commodity therein, (3) reducing the prices for such commodity with consequent injury and destruction of such commerce in such commodity, (4) depleting the soil resources of the United States, and (5) causing a disparity between the prices for such commodity in such commerce and industrial products therein, with a consequent diminution of the volume of interstate or foreign commerce in industrial products.

"(c) Whenever an excessive supply of cotton exists, the marketing of such commodity by the producers thereof directly and substantially affects interstate or foreign commerce in such commodity and its products, and the operation of the provisions of this title becomes necessary and appropriate in order to promote, foster, and maintain an orderly flow of supply in such commerce.

"(d) It is hereby declared to be the policy and the purpose of the United States to encourage the annual production of an ample supply of cotton of suitable grade and staple to supply all domestic and foreign consumption of such cotton and in addition thereto to maintain at all times a large enough surplus to meet all offers from all sources to buy American cotton at fair and reasonable prices, and never in excess of the world-market price for cotton of similar quality.

"SEC. 31. (a) For the marketing year ending in 1939 and each marketing year thereafter, there shall be established for each farm of any farmer producing cotton a domestic allotment with respect to the sale of cotton. The normal year's domestic consumption of cotton shall be allotted by the Secretary among the several States and among the counties or other administrative areas in such States deemed by him the most effective in the region for the purposes of the administration of this act. Such allotment shall be on the basis of the annual average production of cotton within such States and administrative areas during the preceding 10 years, with adjustments for abnormal weather conditions, trends in production, and the diversion of acreage under the agricultural adjustment and conservation programs during such period.

"(b) The allotment for each such administrative area shall be allotted, through the State, county, and local committees of farmers hereinafter provided, among the farms within the local administrative area on which the cotton is produced for market, on the basis of the average annual production of cotton on such farms during the preceding 10 years, with equitable adjustments for abnormal weather conditions, crop failures, diversion of acreage under the agricultural adjustment and conservation programs, and the cotton productivity of the total cultivated ground on such farms (considering land used for growing alfalfa and other temporary hay crops as cultivated ground): *Provided*, That the minimum allotments of cotton for any farm shall not be less than the smaller of the following amounts: (1) The amount of the average production of cotton on such farm during the preceding 10 years, or (2) an amount of cotton for each family engaged in the production of cotton on such farm having a value of $300, computed at the loan value hereinafter provided. Not less than 3 percent of the allotment of each such commodity to each administrative area shall be available for allotment to farms on which none of such commodity was produced during the preceding 10 years.

"(c) The amount of cotton allotted to a farm under this section shall be its domestic allotment with respect to such cotton.

"SEC. 32. (a) The domestic allotment of cotton for each farm shall be apportioned among the persons continuously engaged as share-tenant, sharecropper, or, as the case may be, as owner or cash tenant, in the production of cotton on such farm in the calendar year in which the apportionment is made on the basis of each such person's share in the cotton produced on such farm: *Provided*, That if the amount of the allotment apportioned to any person under this section would otherwise exceed 10 standard bales (of 500 pounds each), such amount shall be reduced by 25 percent of that part of the amount in excess of 10 bales but not in excess of 14 bales; by 50 percent of that part of the amount in excess of 14 bales but not in excess of 18 bales; and by 75 percent on that part of the amount in excess of 18 bales.

"(b) If the Secretary during any year finds that the national domestic allotment previously announced for such year will not meet current domestic consumption requirements, he shall increase such national domestic allotment to an amount which will meet such requirement and individual farm allotments for such year shall also be increased proportionately.

"SEC. 33. (a) The Secretary of Agriculture shall issue bale tags (hereinafter referred to as "domestic allotment tags") to each person who has received an allotment, covering an amount of cotton in pounds equal to such person's allotment.

"(b) Whenever any person shall have "domestic allotment tags" in excess of his actual production of cotton, such person may (1) sell or otherwise dispose of such excess tags, (2) use such tags for a succeeding year's production of cotton, or (3) surrender such excess tags to the Commodity Credit Corporation. The Commodity Credit Corporation shall operate "excess domestic allotment tag pools" and shall offer such tags in such pools for sale on the first day of each month and shall transmit to each person who has contributed to such pool his proportionate share of such sale of such excess tags.

"SEC. 34. (a) After July 31, 1938, it shall be unlawful for any person to process any cotton to be used in domestic consumption in the United States, which is not cotton accompanied by domestic allotment tags issued pursuant to this act. Such unlawful processing of cotton shall be a misdemeanor and shall be punished by a fine of not more than $1,000 for each day such offense continues.

"(b) The Secretary shall issue, without charge, for each of the marketing years 1938–39 and 1939–40 to any persons owning any cotton on the date of enactment of this act, domestic allotment tags for an amount of cotton equal to 25 percent of the amount so owned by him on such date.

"(c) Any processor of cotton in the United States desiring to process cotton for export may purchase same without regard to the

existence of domestic allotment tags upon the posting of a bond with the Secretary of Agriculture equal to double the value of a like poundage of cotton eligible for domestic consumption, conditioned that the processed cotton, or its products, would be exported from the United States within 1 year from the date of such purchase.

"(d) All persons engaged in the processing or sale of cotton shall, from time to time, on request of the Secretary, report to the Secretary such information, and keep such records, as the Secretary finds to be necessary to enable him to carry out the provisions of this title. Such information shall be recorded and such records shall be kept in accordance with the forms which the Secretary shall prescribe. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, the Secretary is hereby authorized to examine such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as he has reason to believe are relevant and are within the control of any such person. Any such person failing to make any report or keep any records as required by this subsection, or make any false report or record, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each offense.

"SEC. 35. In order to effectuate the declared policy of this act, the Commodity Credit Corporation is hereby authorized and directed to make loans on all cotton accompanied by domestic-allotment tags. Such loans on cotton shall be made at the parity price or 20 cents per pound, whichever is the higher, on cotton of ⅞-inch staple and Middling grade, with proportionate increase or decrease in the amount of said loan, depending upon the grade and staple of such cotton. Such loans shall be made without recourse and on the security solely of the stocks of cotton with respect to which the loan is made, which are insured and stored under seal in accordance with regulations of the Secretary. The Commodity Credit Corporation shall not dispose of any cotton acquired by it except at a price equal to the parity price thereof plus carrying charges or 20 cents a pound, plus carrying charges, whichever is the higher, at the time of sale.

"SEC. 36. The President and the Tariff Commission are hereby authorized and directed to promulgate such rates of import duties on cotton, articles processed from cotton, and cotton substitutes as will bring the basic price of raw Middling cotton to the parity price fixed by the Secretary.

"SEC. 37. The Secretary is authorized to make such regulations in connection with the administration of this title as he deems necessary or advisable.

"SEC. 38. Notwithstanding the provisions of title I of this act, the provisions of such title shall be applicable with respect to cotton only for the marketing year ending in 1938.

"SEC. 39. The Commodity Credit Corporation is hereby authorized and directed to extend the maturity date of all notes evidencing a loan made by that Corporation on cotton produced during the crop year 1937–38 from July 31, 1938, to July 31, 1939.

"The Corporation is further authorized and directed to waive its right to reimbursement from warehousemen accruing because of the improper grading of cotton as provided in the loan agreement. Except insofar as herein specifically modified, all the terms and conditions of the loan agreement shall remain applicable."

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. LEE. Mr. President, my amendment affects only cotton, and applies only to the cotton title. It is a substitute for the entire title. It does not deal with any other commodity but cotton. It is based on a domestic allotment to the farmers of their share of the domestic market for cotton. It provides that the farmer shall be issued tags, one tag for each bale allotted to him, and that it shall be unlawful for any processor or miller to manufacture untagged cotton. That means that the untagged cotton will seek its level in the world market and flow in the channels of trade unregulated. It simply tags the cotton that has, according to the estimates, been designated as the part we will use in this country.

The amendment provides that the Commodity Credit Corporation shall loan the farmer either parity or 20 cents a pound, whichever is lower. If parity were higher than 20 cents a pound for cotton, then he could borrow parity on his cotton; or, if not, then he could borrow up to 20 cents a pound on his cotton. There is no recourse on these loans. It amounts to a temporary purchase, but the cotton will not be in the hands of the Commodity Credit Corporation long, because the processor knows that he can process only tagged cotton; therefore, he must purchase it.

The amendment also provides that the manufacturer may purchase untagged cotton for export trade at the regular world price. That is, if he wants to manufacture shirts and ship them abroad, he may buy cotton at the world cotton price, but for what we use in this country he must buy tagged cotton. That tagged cotton will bring the farmer 20 cents. That device, that method of pegging the price by means of a loan, has been used before. This method requires no appropriation from the Treasury. It is a means of giving the farmer a reasonable price for the part of his cotton which we wear in the United States.

The amendment also provides that if a farmer takes home some of his surplus cotton and stores it, he may use that cotton the next year for part of his allotment if he so desires. That will have a tendency to cause him to provide his own crop insurance; and also, as he stores that bale or three or four bales of cotton in his warehouse, and passes it every day or two, it will remind him of the surplus of cotton; and when he goes to plant next year he will not have to allow as much margin as if he did not have any cotton stored, because he knows he can use those bales as part of his domestic cotton on which he can receive 20 cents a pound.

Mr. BONE. Mr. President, will the Senator yield to me for a question?

Mr. LEE. I yield.

Mr. BONE. I notice that the Senator made the statement that his substitute covers only cotton. I have the printed amendment, dated November 29, which refers to cotton, wheat, and corn.

Mr. LEE. The Senator has the wrong amendment. There is another one which refers to the cotton title only.

Mr. President, my amendment also takes care of the surplus that is on hand, by allowing the holders of cotton at the present time an allotment for the next year of one-fourth of what they have. Each farmer, whatever he has on hand, is allowed one-fourth of that, which he may sell to the domestic market, and one-fourth the next year. That will mean that at least one-half of the cotton that is on hand can go into the domestic market. Of course, that amount will have to be deducted from the total allotment to the farmers.

The amendment also provides a graduated scale of allotment, beginning with 10 bales to the family, and then for the next 4 bales a reduction of 25 percent, leaving them 3 bales, and for the next 4 bales a reduction of 50 percent; and then, above that, a reduction of 75 percent in order to give the family-size farm some advantage in the allotment.

Most of the cotton that is on hand at the present time is already out of the hands of the farmer; so anything we do now toward the purchase of that cotton, anything we do toward taking care of the cotton that is on hand now, is not going to help the actual dirt farmer very much. It will help the speculators, it will help the manufacturers, but it will not help the actual farmer very much, because by the middle of December most of the cotton is out of his hands.

There are a few bolls left, and in a few days the farmers will gather those bolls. They are not valuable. The cotton lint is not of a very high type. Therefore, the purchase of the cotton on hand is not really contemplated to be of much aid to the real cotton farmer himself.

I am going to read some questions which I want to ask the committee members, and I hope they will answer them in their time, not in mine. I hope the Senators will give ear to these questions and answer them before we vote on this amendment.

First. Is it a fair analogy to compare big-business control of production with the farmer's situation if there is a difference with respect to the following points: First, big business can lay off its employees and decrease its overhead. The farmer cannot stop feeding his mules. Second, big business is headed by a few people, and they can easily organize. Two men in the steel business can determine the price of steel. Perhaps one man can do so. The four big packers can determine the price of beef. Two concerns, the Standard Oil and the Dutch Shell, can determine the price

of oil. But the farmers are legion in number. They cannot get together so easily.

Big business can determine today exactly what its production will be a year from today. The farmer cannot because of the numerous hazards he faces.

Therefore, the first question: When speaking of reducing production, is it fair in making an analogy to compare the farmer with big business?

Second. Do you think the referendums provided in your bill offer the farmer any choice? Does not the economic pressure of desiring to have a living leave the farmer no choice in the matter? Yesterday in Russia an election was held, and I notice that Joseph Stalin was unanimously elected, because the voters in Russia had no chance to vote for anyone other than Stalin. There is just about that much choice provided in the referendums on cotton for which provision is made in the bill. It is either that "or else."

Third. Is it fair to allow a little over one-third of the farmers to prevent the other farmers from receiving benefits either from loans or from parity payments as provided in the bill?

Fourth. Is it not reasonable to believe that the production control provided in your bill will foment strife in every community? When we see how the cotton Senators on the floor fight among themselves, what do you think the cotton farmers are going to do when we clamp this thing down on them? They will burn each other's barns. I have already heard the word "chiselers" used here on the floor, Senators calling those farmers "chiselers" who want to follow their God-given right to raise what they want to raise on their land. Why, they will burn each other's barns. They will burn the crops. They will destroy them, and it will lead to bloodshed.

Fifth. If the price of American cotton does not materially affect foreign trade, then how do you account for the fact that we lost some of our foreign trade at the same time that world consumption was increasing?

Sixth. Under your bill, if you increase the price of cotton to parity—which is 16½ cents a pound at present, and the world market is 7½ cents a pound at present—do you believe we can still sell to foreign markets at 16½ cents a pound the same amount of cotton we are now selling? Do you believe we would still be able to export 5,000,000 bales of cotton, as at present, particularly when there is 9 cents a pound difference between the American price and that of world cotton?

Seventh. Under your bill, what do you propose to give the cotton farmer next year that he is not already receiving besides strict control? In other words, what help do you offer him next year, or even the next year, more than he is now receiving?

Eighth. What do you propose to do with the unemployed that will result from your program of curtailment?

Ninth. What do you propose to do to prevent the diverted acres from raiding the markets of other farm commodities?

Remember, Senators, when you vote on this matter, that the question is not, "Is the substitute perfect?" You are not voting on the question, "Are there any defects in the substitute?" You are voting on the question, "Which is better, the substitute or the cotton title of this bill?" That is the only question you have to decide.

I have only a few minutes left, and I am going hurriedly to make a comparison of seven differences:

(1) This proposal will give the farmer an actual money benefit. I cannot see how that title of the committee bill will give him any money benefit next year over what he is receiving at the present time. This proposal will give him benefit without cost out of the Treasury, whereas the committee bill provides for payments out of the Treasury.

(2) This proposal will result in voluntary control, whereas the committee bill requires compulsory control—the voluntary control of the farmer who is not willing to spend what he gets for the amount allotted to him in order to raise a great deal of cotton at a loss.

(3) The committee bill will increase unemployment. This substitute will decrease unemployment.

(4) The committee bill will destroy and lose our foreign markets. The substitute will save our foreign markets.

(5) The substitute will increase the buying power of the farmer. Give us 20-cent cotton in Dixie, and we will start buying from the factories and mills of the North and the East, and this little recession that is being talked about will be overcome. We will begin out at the grass roots, where recovery must start. The people there will start buying the many things they need, and that is the way to start the world on the road to recovery; but, with your program, in my opinion, you will decrease the gross income of the farmers in cotton.

(6) The committee bill will destroy the independence of the farmer. The substitute will save the independence of the farmer.

(7) The committee bill will divert acres that will go into competition with the dairy farmers, the fruit growers, and the vegetable growers when you take cotton off those fertile acres. The substitute will protect your other markets, whereas the committee bill will destroy your other markets.

I wish to read a telegram from Peter Loran, president of the Texas State Farmers' Union:

Understand that you are introducing domestic allotment bill; wish you success. We are with you. Thanks.

Many farmers have telegraphed me. These telegrams I have selected as being from real farmers. I have many other telegrams; but I ask permission to have these telegrams from farmers printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegrams are as follows:

CROCKETT, TEX., *December 3, 1937.*

Hon. JOSH LEE,
Senator of Oklahoma:
We are east Texas planters and endorse the farm bill which you have introduced.

R. L. SHIVERS.
P. CAPRIELIAN.
W. F. COOPER.
C. L. HOOKS.

DUNCAN, OKLA., *December 7, 1937.*

Senator JOSH LEE,
Senate Building, Washington, D. C.:
We the undersigned producers and businessmen wholeheartedly endorse your domestic allotment plan.

E. C. Brooks, farmer; W. D. Weldon, farmer; H. F. Doyle, farmer; D. N. McEntye, farmer; G. I. Jones, farmer; J. B. Nichols, farmer; Lon Prater, farmer; M. S. Cook, farmer; F. A. Brown, ginner, Farmers Gin Co.; Lee Carter, farmer; Dave Jackson, farmer; J. A. Blaydes, farm and other business; Ira M. Lang, banker; Farmers Union Cooperative Gin, 300 members; W. A. Sage, ginner; W. R. Williams, farmer; Claud Underwood, farmer; Luther Howard, ginner; M. H. Peddy, farmer; Earl Williams, farmer; James Pinson, farmer; L. A. Morton, farmer; Percy Stogsdill, pharmacist; P. C. Coombs, insurance.

ALTUS, OKLA., *December 5, 1937.*

Hon. JOSH LEE,
Senate Building, Washington, D. C.:
Domestic allotment bill is only solution to cotton problem of Oklahoma. This will create home labor and help salvage our export trade. Your support of this measure is respectfully requested by the undersigned cotton farmers.

J. Boyd McMahan, J. O. Clowdus, J. T. McNeely, Sam Watson, N. W. Lavender, U. B. G. Gray, H. C. Shive, L. C. Jones, John B. Walker, J. D. Drewery, Sam Adams, Luther Bush, J. R. Stout, Mrs. J. D. Littlefield, J. A. Doughty.

OKMULGEE, OKLA., *December 1, 1937.*

Hon. JOSH LEE,
Senate Chamber:
We as farmers prefer that you do not impose restrictions on us. If you must do something, give us domestic allotment. If the Federal Government cannot help us, then we prefer to be let alone. We believe this is the sentiment of almost all farmers.

Brown McEwen, Alva Morgan, Geo. Abernathy, Lige Dotson, Joe Beidleman, Tom Stanley, Andy Crawford, Eugene Pete, Jess Aldridge, Pete Cato.

LUBBOCK, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
Strongly favor your proposed bill allowing subsidy payment on domestic allotment, no acreage reduction. Believe bill would be instrumental in regaining world markets.

M. E. HEARD,
Head Textile Engineering Department,
Texas Technological College.

HOUSTON, TEX., *December 2, 1937.*

Senator JOSH LEE,
Washington, D. C.:
We are in favor of your bill with the domestic allotment, but without the acreage control, because it would increase unemployment on farms and among longshoremen and railroad workers, thereby creating economic disaster to business in Texas. If we are able to export the surplus, say 6 or 8 million, we heartily endorse cotton bill for domestic allotment. We favor legislation that will help the cotton grower and will not destroy cotton exports. The longshoremen and other laborers in the South depend largely on export cotton for their livelihood.

M. J. DWYER,
President, Gulf Coast District
International Longshoremen's Association.
A. E. ANDERSON,
Secretary, Gulf Coast District
International Longshoremen's Association.

LOS ANGELES, CALIF., *November 30, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
The California-Arizona Cotton Association has wired Senators and Congressmen from both California and Arizona, as well as growers' representatives from both States now in Washington, requesting that they give your bill their earnest support, as feel this bill the solution to cotton situation. Best regards and good luck on this bill.

DAVE LOWRY.

MADERA, CALIF., *December 1, 1937.*

Senator JOSH LEE,
Washington, D. C.:
Please oppose Pope bill. I favor your bill introducing the incorporation of domestic-allotment program with subsidy to growers on proposition of each man's crops equal to proportion domestically consumed out of entire crop, eliminating all production-control features.

C. A. RIDGEWAY.

NORMAN, OKLA., *December 2, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Very much in favor your domestic allotment plan bill. Believe this the best thing possible for the cotton farmer. Unless something like this is done foreign countries will take the cotton business away from us.

F. W. TRAYLOR.

ALTUS, OKLA., *December 2, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Believe your stand on domestic allotment cotton bill for best interests of this section. Cotton our primary crop and its extensive production essential to general prosperity. Kindest personal regards.

HARRINGTON WIMBERLY,
Editor, Altus Time Democrat.

ABILENE, TEX., *December 2, 1937.*

Senator JOSH LEE,
Senate Office Building:
Your domestic allotment bill with no acreage reduction seems to be fairest plan to all concerned and undoubtedly will hold larger percent of world markets to South's cotton.

GEORGE A. WALL.

FREDERICK, OKLA., *December 2, 1937.*

Hon. JOSH LEE,
Senate Building, Washington, D. C.:
Your domestic allotment plan suitable for the South; push hard. In fact the only thing that will keep the South from going into bankruptcy. All my farmer neighbors for it.

L. N. GILLILAND.

WASHINGTON, D. C., *December 1, 1937.*

Senator JOSH LEE:
I am in favor of the objective of your bill.

RALPH W. MOORE,
Master Texas State Grange.

SPUR, TEX., *December 3, 1937.*

Senator JOSH LEE,
Washington, D. C.:
Endorse your domestic allotment plan in full. Put it over.

GLENN DOBKINS,
Cotton Producer, Roaring Springs, Tex.

OKLAHOMA CITY, OKLA., *December 3, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Congratulations on your domestic allotment plan program. Hope you receive enough support for same to carry. Believe farmers much prefer this than a compulsory control program.

R. C. MOSS.

ALTUS, OKLA., *December 4, 1937.*

Hon. JOSH LEE,
United States Senator, Washington, D. C.:
Congratulations upon your position and speech on the domestic-allotment plan, and please push it with all your might.

WALDO T. ODEN.
W. B. FORRESTER.
GLEN PUTMAN.

CHILDRESS, TEX., *December 5, 1937.*

Senator JOSH LEE,
Washington, D. C.:
Am very much in favor of your bil. introduced in the Senate concerning cotton. Think Senator BANKHEAD's proposed bill would ruin the South.

GEO. L. BARRY.

BAKERSFIELD, CALIF., *December 1, 1937.*

Hon. JOSH LEE,
Senate Office:
We heartily endorse your stand on cotton domestic allotment proposal.

G. E. GILMORE.

BERTRAM, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
We heartily agree with your bill.

C. N. MOSES.
JOHN L. RUSSELL.

VERNON, TEX., *December 1, 1937.*

Hon. JOSH LEE,
United States Senator, Senate Office Building:
Understand you have endorsed the domestic allotment plan for cotton. I am convinced that this plan is most suitable and will produce long-range benefit for the South. The farmer will be helped financially and America will be able to regain her foreign markets lost under the restricted acreage program.

AUBREY L. LOCKETT.

MCLOUD, OKLA., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
We commend the position you have taken on agriculture, particularly cotton.

JOHN S. SEIKEL.
ARTHUR LYLE.

LONGVIEW, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
In considering any farm legislation, I trust you and your colleagues will seriously bear in mind that any acreage control of cotton means disaster to the agriculture, textile, and industrial interests of the South. Certainly some form of subsidy on domestic-used cotton can be worked out which the farmer is undoubtedly entitled to, and leave him to work out his exportable surplus. Your bill seems to be most workable.
Sincerely,

O. H. GRISSOM.

CHECOTAH, OKLA., *December 1, 1937.*

Hon. JOSH LEE,
United States Senator:
We heartily approve of the domestic farm allotment bill which you are sponsoring. We think it the best solution yet offered.

R. J. KOCH.
W. A. YOUNG.

PRAGUE, OKLA., *December 1, 1937.*

Hon. JOSH LEE,
Senate Office Building:
Wish to compliment you on your farm bill amendment.

GEORGE T. JEPSEN.

TERRELL, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
Your domestic allotment plan as against compulsory acreage control meets with my hearty approval, and I commend you highly in your effort to save the cotton farmer and the one hundred and one other interests that are dependent on cotton and cottonseed.

W. P. ALLEN.

BOSTON, MASS., *December 1, 1937.*

Senator JOSH LEE,
United States Senate:
Congratulations. Hope other Senators will concur with your views regarding adjustment payments on a domestic quota of cotton in the farm bill.

ROLAND M. BAKER, Jr.,
141 Milk Street.

DALLAS, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
Wish to express my agreement with you in regard to your domestic allotment bill. Also wish to endorse the position you have taken against passage of compulsory acreage-control legislation.

J. H. JONES.

STAMFORD, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Wish to endorse your cotton plan. Believe subsidy payments on domestic allotments plan without restricted production fair to producers and only way keep foreign markets.

W. B. HARRISON.

OKLAHOMA CITY, *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Self and friends much pleased at your introduction of domestic-allotment bill. Consider this plan feasible and equitable to all interested parties.

M. F. JONES.

MANGUM, OKLA., *December 2, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
I concur with you in your domestic allotment plan, and your interest in the unfortunate price handicap of your constituents will make them know you have harbored no selfish motives. Best personal regards.

R. C. PONDER.

CORCORAN, CALIF., *December 2, 1937.*

Senator JOSH LEE,
Washington, D. C.:
I endorse wholeheartedly the proposal presented by you based on domestic allotment. This country will support this plan.

R. C. SLAYBAUGH.

SNYDER, TEX., *December 1, 1937.*

Senator JOSH LEE,
Care Senate Office Building, Washington, D. C.:
Want to say we heartily endorse your proposed cotton bill, which understand is the domestic allotment plan, with no acreage restrictions. If this bill, or some such bill, is not enacted, there will come a time in the near future that 9,000,000-bale crop will be too much for the South to raise.

W. J. ELY.

ROSCOE, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Am very much in favor of your proposal, cotton bill. Think domestic allotment plan, and no restrictions on acreage, our best bet.

L. S. HOWARD.

SNYDER, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Strongly favor your cotton bill based on domestic allotment with no restrictions on acreage. Believe only way to retain our position in the world markets.

A. W. ARNOLD.

PORTERVILLE, CALIF., *December 2, 1937.*

Hon. JOSH LEE,
Senatorial Building, Washington, D. C.:
As I am in the cotton business here in California and know the sentiments of the cotton growers in the San Joaquin Valley, I feel free to say that they are backing your proposal based on the domestic allotment plan 100 percent.

H. E. CAMPBELL.

WYNNEWOOD, OKLA., *December 1, 1937.*

Hon. JOSH LEE,
Member, United States Senate:
Appreciate your efforts reference to cotton production. Think your stand as to parity payments meets with approval of the community. Let us not forsake the South's cotton crop.

A. R. WRIGHT.

LUBBOCK, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
Strongly favor your proposed cotton bill of subsidy based on domestic allotment and no restrictions on acreage.

D. L. MITCHELL.

OKLAHOMA CITY, OKLA., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Am very favorable toward domestic allotment plan and believe most cotton producers feel the same way.

CLAUDE S. HILL.

WAGONER, OKLA., *December 1, 1937.*

Hon. JOSH LEE,
Senator, Washington, D. C.:
Your domestic allotment plan seems to be the way out for the southern farmer, the small businessman, and labor in general in the South. We heartily endorse the bill.

C. H. WELDON.
W. A. LAYMON.
C. P. RUSHING.
W. M. WILKEY.
DALLASH FAUTCH.

MADERA, CALIF., *December 1, 1937.*

Senator JOSH LEE,
Washington, D. C.:
Please oppose Pope bill. I favor your bill introducing the incorporation of domestic-allotment program with subsidy to growers on proposition of each man's crop equal to proportion domestically consumed out of entire crop, eliminating all production-control features.

SHERMAN THOMAS.

OKLAHOMA CITY, OKLA., *November 30, 1937.*

Senator JOSH LEE,
Washington, D. C.:
We are heartily in accord with your domestic-allotment plan and trust it will receive support necessary for its passage.

PAT PORTEL.

MADERA, CALIF., *December 1, 1937.*

Senator JOSH LEE,
Washington, D.C.:
Please oppose Pope bill. I favor your bill introducing the incorporation of domestic allotment program with subsidy to growers on proposition of each man's crop equal to proportion domestically consumed out of entire crop eliminating all production control features.

V. B. LEWIS.

HANFORD, CALIF., *December 2, 1937.*

Hon. JOSH LEE,
Senatorial Building, Washington, D. C.:
I endorse heartily the proposal presented by you based on domestic allotments. This country will support this plan.

C. E. JOHNSON.

GRANITE, OKLA., *December 1, 1937.*

Hon. JOSH LEE,
United States Senate, Washington, D. C.:
The domestic allotment plan is the best farm bill introduced. It will return many farmers from the relief rolls to the farm. I urge your continued support of same and hope you will be successful in making it a law.

FRANK KOURI.

GALVESTON, TEX., *November 30, 1937.*

Hon. JOSH LEE,
United States Senate, Washington, D. C.:
Understand that you are introducing a domestic allotment bill dealing with cotton situation. Certainly trust that it will prevail. This is, in my opinion, a scheme which can be of immediate benefit to the farmers with the least harmful long-range effects.

HARRIS KEMPNER.

GREENVILLE, TEX., *November 30, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Heartily endorse bill providing payment to farmers on cotton for domestic consumption without acreage control. Feel this best method to protect farmers, also our foreign markets.

PAUL FAGALA.

HOUSTON, TEX., *December 1, 1937.*

Senator JOSH LEE,
United States Senate:
Congratulations on your cotton relief bill. May you be successful.

T. J. CALDWELL.

LUBBOCK, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
Think your cotton bill allowing subsidy payments on domestic allotment only solution to our farm problem and at same time allow us to regain our foreign markets with surplus acreage. Strongly recommend its passage.

I. W. BRISCOE.

LUBBOCK, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
Heartily endorse your ideas cotton bill domestic allotment indemnity no acreage restrictions. Believe only way retain our position in world cotton production and recover world market.

K. N. CLAPP.

LUBBOCK, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
Believe this section strong for your cotton bill favoring subsidy payment on domestic allotment and no acreage reduction.

T. L. PATTERSON.

LUBBOCK, TEX., *December 1, 1937.*

Senator JOSH LEE,
Senate Office Building:
In our opinion your cotton bill allowing subsidy payment on domestic allotment only solution to regain foreign markets.

T. H. CALVIN.

HOUSTON, TEX., *November 30, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Compliment you on your able exposition of absurdities and inequities Senate bill 2787. You are on right track in advocacy domestic allotment with compensatory payments on proportion each farm crop corresponding to proportion whole crop domestically consumed. This formula preserves employment of 2,000,000 cotton-growing families, a large proportion of which will be thrown on relief if Farm Bureau's production-control program adopted. It also preserves employment of several hundred thousand people engaged in ginning, compressing, oil milling, storing, transporting, and other allied activities. In my opinion, Farm Bureau program would wreck southern agriculture and the South as a whole and would have serious repercussions elsewhere by forcing Cotton Belt into competition with North and West in other products.

LAMAR FLEMING, Jr.

GREENVILLE, TEX., *November 30, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Wish to encourage you in your fight for bill protecting cotton farmers under domestic allotment plan, leaving acreage uncontrolled to protect our position in foreign markets.

L. L. ATTWELL.

ABILENE, TEX., *December 2, 1937.*

Hon. JOSH LEE,
Senate Office Building:
Speaking not as an Oklahoman, my legal residence being Oklahoma, where it has been all my life, but as one interested in the cotton industry in all its phases, I fully agree with your domestic allotment bill, which I understand you propose to introduce. Your plan being undoubtedly the only salvation for the present deplorable conditions, resulting in loss of foreign markets, to the detriment and loss of the American producer. I hope you get ELMER THOMAS in line with your views. Please show him this wire.

W. D. MAXWELL.

ABILENE, TEX., *December 2, 1937.*

JOSH LEE,
United States Senator of Oklahoma, Washington, D. C.:
As a farmer of the Abilene territory, I heartily endorse and congratulate you on your proposed domestic allotment plan of unlimited acreage, no processing tax, and same soil-conservation program as present one, and am wiring my Congressman and Senator to that effect.

R. L. BLAND.

DUNCAN, OKLA., *December 2, 1937.*

Hon. JOSH LEE,
Senate Office Building, Washington, D. C.:
Congratulations on your domestic allotment bill. I heartily endorse same.

EMMETT HALL.

DUNCAN, OKLA., *December 2, 1937.*

Hon. JOSH LEE,
Senate Office Building, Washington, D. C.:
Fully in accord with your domestic-allotment bill introduced yesterday.

A. P. BURNS.

DUNCAN, OKLA., *December 2, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
Very much in favor of your domestic-allotment bill.

WILLIAM PETERS.

BALLINGER, TEX., *December 2, 1937.*

Senator JOSH LEE,
Senate Office Building, Washington, D. C.:
I heartily endorse your bill for adjustment payments on domestic quota to bring the farmers' return up to parity. Trust you will meet success with this bill.

C. L. BAKER.

DUNCAN, OKLA., *December 2, 1937.*

Hon. JOSH LEE,
Senate Office Building, Washington, D. C.:
Heartily endorse your domestic allotment bill introduced yesterday.

V. L. BROWNE.

OKLAHOMA CITY, OKLA., *December 13, 1937.*

Hon. JOSH LEE,
Senate Office Building, Washington, D. C.:
Have telegraphed ELMER THOMAS asking him give your domestic allotment farm bill his support. Growers income must not be cut down and hope your substitute farm bill wins Senate approval.

W. M. HYNDS.

OKLAHOMA CITY, OKLA., *December 14, 1937.*

Hon. JOSH LEE,
Senate Office Building, Washington, D. C.:
Strongly oppose any Government-control program. Have wired Senator ELMER THOMAS to endorse your domestic allotment plan to Senate farm bill.

W. P. HULBERT.

DALLAS, TEX., *November 30, 1937.*

Hon. JOSH LEE:
Understand you are presenting agricultural bill in connection with domestic allotment plan. I congratulate you and wish you success in your undertaking as this is the only sensible way to help agriculture.

NATHAN ADAMS.

MEMPHIS, TENN., *December 11, 1937.*

Senator JOSH LEE,
Senate Office Building:
There is a continually growing sentiment in this territory in favor of the domestic allotment principle of your amendment. We feel that any fixed price loan is dangerous and against the best interests of the producer. The close vote on reinstatement House bill indicates decided change in feeling. The Senate committee bill definitely would make growers income less than this year. Be assured that your bill is gaining friends and supporters every day.

C. W. BUTLER.

Mr. LEE. Here is a letter from J. E. McDonald, commissioner of agriculture of Texas, which I also ask to have included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,
STATE OF TEXAS,
Washington, D. C., November 30, 1937.

Hon. JOSH LEE,
United States Senate, Washington, D. C.

DEAR SENATOR: As Texas commissioner of agriculture, I am tremendously interested in the passage by the Congress of an agricultural measure which will be constructive and permanent in character and which will give to each American farmer his equitable share of the domestic market, upon which portion he will receive a parity price.

Any agricultural measure which does not have the support of a price structure which would give the American farmer an offset to the tariff burdens will prove disappointing.

Compulsory Government acreage control for cotton will not solve the problem, and such legislation would further encourage foreign production, further loss of foreign markets, and further unemployment of cotton growers.

America is no longer the dominating factor in cotton production and cotton marketing, as you will see by the annual foreign production of recent years:

In 1934 foreign countries produced 13,300,000 bales.
In 1935 foreign countries produced 15,800,000 bales.
In 1936 foreign countries produced 18,400,000 bales.
In 1937 it is estimated that foreign production will be 20,000,000 bales.

With continued compulsory cotton-acreage control and encouragement of foreign production, it is my opinion that within 5 years American cotton farmers will be asking Congress to erect a tariff barrier to prevent foreign cotton grown with pauper labor coming to America to compete with American farmers for the American mill business.

It is my opinion that what is known as the domestic allotment plan for agriculture offers the most practical solution of the agricultural problem; and it is my opinion that 95 percent of the Texas farmers who understand the domestic allotment plan, which would provide a two-price system and give them benefits and protection now enjoyed by manufacture operating behind the tariff walls, favor and approve it.

It is my opinion that Senate bill 2787, now before the United States Senate, is impracticable and, if passed, would fail to give the farmer adequate benefits protection, and would prove disappointing to the American farmers, and I trust that you will endeavor to have the Senate pass the domestic allotment plan for agriculture instead of Senate bill 2787.

The domestic allotment plan, if adopted by Congress and wisely administered, would meet the five agricultural objectives of the Roosevelt administration, namely: Production control (self-preservation control), crop insurance, ever-abundant supplies or normal granary, soil conservation, and parity prices.

Appreciating your ability and your interest in agricultural welfare, I am,

Sincerely yours,

J. E. McDONALD, *Commissioner.*

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

ADDITIONAL PETITION

Mr. DAVIS presented a resolution adopted by Star of Bethlehem Lodge, No. 1409, Amalgamated Association of Iron, Steel, and Tin Workers of North America, Bethlehem, Pa., favoring revision of present rules and regulations governing W. P. A. and other relief agencies so that unemployed industrial workers may be eligible to obtain work on public works projects immediately upon the closing of commercial plants or other termination of employment without first having to be placed on the relief rolls, which was referred to the Committee on Apropriations.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I understand that there will be some further discussion of the substitute offered by the Senator from Oklahoma [Mr. LEE], so I do not expect the Senate to dispose of it tonight.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair) laid before the Senate messages from the President of the United States submitting nominations in the Army, which were referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

THE CALENDAR

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of John W. Hanes, of North Carolina, to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Jerome N. Frank, of New York, to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters on the Executive Calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 11 o'clock and 6 minutes p. m.) the Senate took a recess until tomorrow, Thursday, December 16, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 15 (legislative day of November 16), 1937

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO ORDNANCE DEPARTMENT

Capt. Theodore Addison Weyher, Corps of Engineers, with rank from June 14, 1937.

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Capt. Courtland Moshier Brown to be major with rank from December 12, 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 15 (legislative day of November 16), 1937

SECURITIES AND EXCHANGE COMMISSION

John W. Hanes to be a member of the Securities and Exchange Commission.

Jerome N. Frank to be a member of the Securities and Exchange Commission.

POSTMASTERS

GEORGIA

Homer Roy Cobb, Ball Ground.
Royce G. Braselton, Braselton.
Emma S. Brindle, Surrency.

IDAHO

John W. Hays, Dubois.

LOUISIANA

Joseph Hugh Goldsby, Amite.

MICHIGAN

Robert S. Fish, Big Rapids.
Maud B. Perham, Lakeside.
Edward F. Carpenter, Levering.
William B. Welles, Marshall.
Leo F. Flynn, New Lothrop.
George W. Francisco, Newport.
Elizabeth Treiber, Norway.
Mildred Irene Asher, Orchard Lake.
Patrick H. Kane, Port Huron.

NORTH CAROLINA

Effie Adams Brickhouse, Columbia.
Benjamin F. Bird, Grover.

OHIO

Dora H. McGonagle, Junction City.

SOUTH CAROLINA

Washington M. Ritter, Cope.

HOUSE OF REPRESENTATIVES

WEDNESDAY, DECEMBER 15, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty and everlasting God, by searching we cannot find Thee out; we approach toward the light, but its source and glory we cannot measure. O let our prayer be the eternal within us, waiting at the gates of the invisible. Blessed Lord, brood over us as a loving, merciful presence as Thou didst when the morning stars sang together for joy over man's entrance into the family of God. Do Thou hold our hands, for so often we cannot see the way we should go; lead us that we may own no will but Thine. Grant that we may touch common toil and dignify it; meet weak and wearied people and help them and sanctify the hard and homely things of life. We earnestly pray Thee to help us to where the Master's mind is ours, where His ideals control, where His motives sway, and where all selfishness has lost its power to rule. In His holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a speech delivered by Senator WILLIAM H. DIETERICH at the waterways banquet in Chicago on December 3.

The SPEAKER. Is there objection?

There was no objection.

Mr. MITCHELL of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the Civil Service Commission, and to include a short letter from the Civil Service Reform League and my answer thereto.

The SPEAKER. Is there objection?

There was no objection.

Mr. SIROVICH. Mr. Speaker, on May 24, 1928, the late Speaker, Mr. Nicholas Longworth, asked me to deliver a eulogy upon the death of Hideyo Noguchi, which I did. I have received many requests to republish that address. I ask unanimous consent to extend my remarks in the RECORD by publishing the speech delivered on the floor of the House at that time.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by inserting the speech referred to in the RECORD. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a letter therein, which I addressed to the editor of the New York Times.

The SPEAKER. Is there objection?

There was no objection.

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief communication which I have received on the wage and hour bill.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD, and to include therein an Associated Press article from London, dated December 8, which states that Mr. MacQuisten, a member of Parliament, told Parliament that many British women prefer American shoes, but that they are denied the reduction in tariff the member asked for. This shows the protection other countries are giving their last and shoe manufacturers and employees. It also shows appreciation of our very fine American shoes by English women. I trust, Mr. Speaker, that the administration will be equally diligent in protecting, by tariff, industry and workers in the United States.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The matter referred to is as follows:

BRITISH WOMEN DENIED FAVORED AMERICAN SHOES—REDUCTION IN DUTY IS SOUGHT BY SCOT IN PARLIAMENT

LONDON, December 8.—The British Government has no intention of reducing tariff on American-made women's shoes despite a Scottish member of Parliament's protest against pinching footwear made in Britain.

F. A. MacQuisten, Scottish Conservative, told Parliament yesterday that many British women prefer American shoes.

He asked Oliver Stanley, president of the Board of Trade, "whether he is aware that many women in this country prefer boots and shoes made in the United States of America as being more in conformity with and less liable to injure the foot than those made in this country, but are unable to purchase the same on account of the prohibitive tariff; and will take steps to have the tariff reduced?"

Mr. Stanley replied that any variation in the import duty on shoes was a matter for consideration of the import duties advisory committee.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, this is Calendar Wednesday. I have consulted with the gentleman from California [Mr. LEA], chairman of the committee with which the call rests. He and his committee do not feel that they are prepared to go along. Furthermore, Mr. Speaker, it is the intention to dispose of the wage and hour bill this week, even though it involves a Saturday session, or possibly night sessions. In order that we may gain this day, I ask unanimous consent that the business in order on Calendar Wednesday today be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

CALL OF THE HOUSE

Mr. SNELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-three Members present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[ROLL No. 19]

Biermann	Collins	Kleberg	Wallgren
Boylan, N. Y.	Costello	Lewis, Md.	Weaver
Brooks	Daly	Maverick	Whelchel
Buckley, N. Y.	Gavagan	Quinn	White, Idaho
Caldwell	Goldsborough	Reilly	Wolfenden
Carter	Hennings	Towey	
Cole, Md.	Kerr		

The SPEAKER. On this roll call 405 Members have answered to their names. A quorum is present.

On motion by Mrs. NORTON, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. FRED M. VINSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech delivered by our friend and colleague the distinguished gentleman from North Carolina, Mr. ROBERT L. DOUGHTON.

The SPEAKER. Is there objection?

There was no objection.

WAGE AND HOUR BILL

Mrs. NORTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2475) to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2475, with Mr. MCCORMACK in the chair.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. NORTON. Mr. Chairman, at what point in the reading of the bill will it be in order for me to offer an amendment in the nature of a substitute for the Senate bill?

The CHAIRMAN (Mr. MCCORMACK). The Chair feels that ordinarily on bills other than revenue, appropriation, and rivers and harbors matters, the bill is read by section for amendment. The Chair feels constrained to follow that practice. In answer to the parliamentary inquiry the Chair would state that an amendment would be in order, with the proper notice of intention to strike out other provisions of the pending bill, if the amendment is adopted, after the Clerk has completed reading the first section on line 22, page 2, of the pending bill.

Mr. SNELL. Mr. Chairman, may I make an inquiry if it is proper?

The CHAIRMAN. The gentleman will state the inquiry.

Mr. SNELL. It seems to me there is a very complicated parliamentary situation here. It is different from any I have ever been up against in my service here. I think we should have a pretty definite understanding as to just how we are going to consider these various amendments in the clean bill, the dirty bill, and the various other bills. In the first place, I would like to inquire if all of these amendments which the gentlewoman from New Jersey spoke of last night are offered as committee amendments or personal amendments?

Mrs. NORTON. They are all included in the committee amendment.

Mr. SNELL. They will be offered as committee amendments?

Mrs. NORTON. Yes.

Mr. SNELL. As a general rule, Mr. Chairman, it seems to me when the first section of the bill is read, all perfecting amendments should be considered before a committee amendment in the nature of a substitute is offered.

The CHAIRMAN. Of course, in answer to the gentleman's inquiry, and, of course, the Chair is making no ruling, because the matter is not presented to the Chair requiring a ruling at this time, but it is the opinion of the Chair, reserving the right to change that opinion if a direct point of order is raised and the matter is argued and the Chair has the benefit of the argument, that it would be in order for the gentlewoman from New Jersey to offer her amendment by way of a substitute for the Senate bill after the reading of the first section, if accompanied with notice of intention to strike out the remaining sections of the Senate bill if her amendment is agreed to. Either that or the gentlewoman could wait until the entire Senate bill has been read for perfecting amendments, and then move to strike out all after the enacting clause and substitute the new bill.

The Chair might also say it is the opinion of the Chair at this time, in the absence of the direct matter being presented for a specific ruling, that if the gentlewoman adopts the method which the response of the Chair would indicate she might adopt, the first section of the bill would still be open for perfecting amendments while the amendment offered by the gentlewoman is pending.

Mr. SNELL. Then after the substitute is adopted, provided it is adopted, will that be considered as an original bill, as far as amendments are concerned?

The CHAIRMAN. In answer to that inquiry, and again with reservation, the Chair is of the opinion that that would conclude the bill.

The Chair might also state that it is the opinion of the Chair that if the gentlewoman from New Jersey should offer an amendment which is in the nature of a substitute, there could be pending at one time an amendment to that, and there could also be pending one substitute to her amendment, with one amendment to the substitute, pending.

Mr. SNELL. So all of these matters would be pending at the same time?

The CHAIRMAN. That could happen.

Mr. BLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. Would the substitute be open to amendment with like benefit and privilege as if it were the originally reported bill?

The CHAIRMAN. In response to the gentleman's inquiry, the Chair will state that, in the opinion of the Chair, one substitute to the amendment offered by the gentlewoman from New Jersey will be in order, if the gentlewoman offers her amendment, and to that substitute there can be pending at one time one amendment. To the gentlewoman's amendment there can also be pending one amendment at a particular time.

Mr. BLAND. After the substitute is adopted, will that substitute then be open to amendment as to its various sections?

The CHAIRMAN. In the absence of a direction from the House, the Chairman of the Committee of the Whole House would feel constrained to rule that it would not; that the adoption of the substitute would preclude further amendment to it.

Mr. BLAND. In that event, Mr. Chairman, amendments that are necessary to all the bills would be precluded and could not be offered.

The CHAIRMAN. Not after the substitute is agreed to.

Mr. RAYBURN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAYBURN. Is this not established: That when the gentlewoman from New Jersey offers her amendment in the form of a substitute, the substitute is open to the same amendments and substitutes as the original bill?

The CHAIRMAN. In the opinion of the Chair, the amendment offered by the gentlewoman from New Jersey would occupy the same status as an amendment offered by any other Member.

Mr. RAYBURN. But it would be subject to amendment.

The CHAIRMAN. It would be subject to amendment.

Mr. RAYBURN. That is my inquiry. It is subject to one amendment at a time, but when one amendment is disposed of it is then subject to another amendment.

The CHAIRMAN. The gentleman is correct.

Several Members rose.

The CHAIRMAN. The Chair feels that in recognizing Members to submit parliamentary inquiries the Chair should recognize as equally as possible Members on both sides of the aisle. For what purpose does the gentleman from Michigan rise?

Mr. MAPES. To submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MAPES. Assuming that the gentlewoman from New Jersey offers her committee bill as a substitute at the end of the reading of the first section of the Senate bill, will it then be in order for the gentleman from California, or some other Member, to offer the bill which he has introduced as a substitute for the bill offered by the gentlewoman from New Jersey, and thus to have both the so-called American Federation of Labor bill and the substitute offered by the gentlewoman from New Jersey pending at the same time?

The CHAIRMAN. That could be done. The question, of course, as to what substitute will be pending will depend upon the recognition of the Chair.

For what purpose does the gentleman from Tennessee rise?

Mr. MCREYNOLDS. To submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McREYNOLDS. I understand that the Chair has ruled that if the substitute is adopted it is read as one amendment and subject to amendment in that way.

The CHAIRMAN. Prior to its adoption it is open to amendment.

Mr. McREYNOLDS. Then, I submit as a parliamentary inquiry and ask unanimous consent that it be done, that when the substitute is up for consideration——

The CHAIRMAN. The gentleman will state which substitute.

Mr. McREYNOLDS. The committee substitute.

The CHAIRMAN. Will the gentleman from Tennessee permit an inquiry?

Mr. McREYNOLDS. Certainly.

The CHAIRMAN. In other words, assuming any substitute that is pending is adopted——

Mr. McREYNOLDS. That is not what I am talking about; I am talking about the committee substitute, which is a new bill, and which I am very glad the Members have been furnished with this morning, that we may have it for consideration.

My inquiry and my request is that the substitute offered by the committee be read for amendment under the 5-minute rule as an original bill.

Mrs. NORTON. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mrs. NORTON. I had intended to submit such a request myself.

Mr. McREYNOLDS. The gentlewoman from New Jersey joins in my request.

The CHAIRMAN. Will the gentleman from Tennessee permit an inquiry?

Mr. McREYNOLDS. Certainly.

The CHAIRMAN. The Chair might say that there is nothing pending at the present time. Will the gentleman from Tennessee again submit his request?

Mr. McREYNOLDS. Mr. Chairman, I ask unanimous consent that when the substitute to be offered by the gentlewoman from New Jersey is pending that it be read for amendment under the 5-minute rule section by section as an original bill.

Mrs. NORTON. Mr. Chairman, if the gentleman from Tennessee will yield, that is entirely agreeable to me.

The CHAIRMAN. The Chair feels that it would be better procedure to wait until the amendment is offered before submitting any request relating to the amendment that the gentlewoman from New Jersey or any other Member might offer.

Mr. McREYNOLDS. Mr. Chairman, I withdraw my request at the present time.

Several Members rose.

The CHAIRMAN. The Chair, as stated before, desires to recognize as equally as possible Members on both sides of the aisle; that is, the Democrats and the Republicans. For what purpose does the gentleman from Minnesota rise?

Mr. KNUTSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KNUTSON. In the event that none of the substitutes are adopted, how many bills will then be before the House?

The CHAIRMAN. Of course, that is a matter which the Chair will pass upon when occasion arises.

Mr. BLAND. Mr. Chairman, I ask unanimous consent that any substitute which may be offered for the pending bill and adopted shall, when adopted, be open to amendment as though it were the original bill.

The CHAIRMAN. The Chair has already suggested to the gentleman from Tennessee [Mr. McREYNOLDS], who propounded a similar unanimous-consent request, that the gentleman withhold temporarily his request.

Mr. BLAND. I prefer to submit mine now as to the offering of a substitute.

The CHAIRMAN. The Chair exercises the right of declining to recognize the gentleman for that purpose.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHENER. Can the rules of the House be changed or suspended by unanimous consent in Committee of the Whole?

The CHAIRMAN. The gentleman has asked a very important inquiry. It was for that reason the Chair suggested to the gentleman from Tennessee that he hold in abeyance his unanimous-consent request until an amendment was pending, because the Chair, while not making a specific ruling, recognizes a distinction between the reading of an amendment in the nature of a substitute for a proposed amendment and reading it after its adoption. Does that answer the gentleman's inquiry?

Mr. MICHENER. It does.

The regular order was demanded.

Mr. ELLENBOGEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ELLENBOGEN. Mr. Chairman, I have before me two copies of the bill S. 2475, Union Calendar No. 535. While the two copies are identical, they vary according to pages and lines. It is important for those who desire to offer amendments to know which copy the Clerk will read from.

The CHAIRMAN. The Chair will try to be as fair as possible to all Members. In reply to the inquiry made by the gentleman from Pennsylvania [Mr. ELLENBOGEN] the Clerk will proceed to read the Senate bill. Of course, the Chair has no control over amendments which may be offered or what situation might develop as a result of the adoption of amendments. The Clerk will read from the Senate bill and will proceed to do so.

Mr. O'MALLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'MALLEY. My understanding of the 5-minute rule is that each section of the Senate bill now before us will be read by the Clerk. As each section is read amendments will be offered. Is it the purpose to submit an entirely new bill after the reading of the first section, and may that be done under the 5-minute rule?

The CHAIRMAN. The Chair is unable to advise the gentleman as to what will occur. The Chair has answered certain parliamentary inquiries and has undertaken to convey as much information as possible. The Chair has stated that in his opinion, after the reading of the first section, it would be in order, if the gentlewoman from New Jersey desires, to offer an amendment which would be in the nature of a substitute for the entire bill, with an accompanying notice to move to strike out if the amendment is adopted.

Mr. DOCKWEILER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOCKWEILER. The Chairman has just stated that after commencement of the reading of the bill and after the first section has been read, the gentlewoman from New Jersey may offer an amendment to strike out the first section of the bill. During the pendency of her amendment a substitute may be offered for her amendment?

The CHAIRMAN. The gentleman's understanding is correct.

Mr. DOCKWEILER. Will that substitute have to be acted upon first before another substitute can be offered to the amendment?

The CHAIRMAN. The substitute will have to be disposed of before another substitute may be offered.

Mr. O'CONNOR of New York. Mr. Chairman, I do not think the matter is cleared up. There will be two substitutes pending.

The CHAIRMAN. One amendment in the nature of a substitute for the Senate bill.

Mr. O'CONNOR of New York. Yes.

The CHAIRMAN. The other a substitute for the amendment.

Mr. O'CONNOR of New York. What the Chair intended to say, and probably did say, was that the substitute for the amendment would have to be disposed of before another substitute may be offered?

The CHAIRMAN. That is correct. The Chair is of the impression that is what the Chair stated and, if the Chair did not say so, he intended to say just that.

Mr. DOCKWEILER. Mr. Chairman, I have the floor.

The CHAIRMAN. It is within the discretion of the Chair to recognize the gentleman. The Chair will continue to recognize the gentleman from California.

Mr. DOCKWEILER. Mr. Chairman, I hope the Chair will be considerate of me because it is common knowledge in this House that I propose to offer a substitute. I have not had a chance to make a 5-minute speech on the subject. I have not been given the opportunity. I do not know whether that is the result of a general conspiracy or not.

The CHAIRMAN. The gentleman, I am sure, is not intimating that the Chair has not been and will not be fair to the gentleman from California?

The regular order was demanded.

Mr. DOCKWEILER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair may say that after this parliamentary inquiry of the gentleman from California he will recognize another Member to propound a parliamentary inquiry. The gentleman from California [Mr. DOCKWEILER] will state his parliamentary inquiry.

Mr. DOCKWEILER. As soon as the first substitute is disposed of before the amendment to the section is considered another substitute may be proposed?

The CHAIRMAN. After the first substitute to the amendment offered by the gentlewoman from New Jersey is disposed of adversely another substitute will be in order.

Mr. CASE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CASE of South Dakota. Would the substitute amendment or any substitute amendment thereto be read under the 5-minute rule?

The CHAIRMAN. Not unless the Committee so orders.

Mr. RAYBURN rose.

The CHAIRMAN. The Chair may state he welcomes these parliamentary inquiries at this time, because they may have a tendency to bring about a better understanding of the probable procedure. The Chair is very pleased to have the inquiries made. The Chair has no desire to curtail the propounding of parliamentary inquiries unless the Committee acts otherwise, and the Chair is simply the agent of the Committee.

The Chair recognizes the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I realize it is within the discretion of the Chair to recognize Members for parliamentary inquiries on and on, but I was going to suggest it might expedite the matter if we began the reading of the bill, with the parliamentary inquiries being made when the particular situations may arise.

The CHAIRMAN. The Chair believes that would be the more orderly procedure. However, the Chair does not feel he should undertake to compel such a course under present conditions.

Mr. CURLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CURLEY. Last night when I reserved the right to object to the request of the gentlewoman from New Jersey [Mrs. NORTON] I asked whether an amendment I proposed to introduce would be precluded from being offered, and the Speaker's answer was "no." My inquiry now is whether my amendment, which will be in the nature of a perfecting amendment to the substitute the gentlewoman from New Jersey intends to offer, will be in order before the adoption of her amendment?

The CHAIRMAN. The Chair will repeat what he has already stated to the distinguished minority leader: That there can be pending at one time one amendment to the amendment in the nature of a substitute which the gentlewoman from New Jersey may offer, a substitute to her amendment, and one amendment to the substitute. The gentleman may offer his amendment, but there can be only one amendment to the amendment pending at one time.

Mr. WOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD. Mr. Chairman, I believe Roberts' Rules of Order, under which we are working, provides, and it is my understanding—and I should like to know whether it is also the understanding of the Chair—that when the gentlewoman from New Jersey presents her amendment as a substitute in the shape of an amendment, next in order will be an amendment to that amendment, or a substitute. If an amendment to her amendment is submitted, then is it not in order to submit immediately a substitute amendment, and then, after the submission of such substitute amendment, the next and last thing in order is an amendment to the substitute? Further, all these four propositions may be pending at the same time. If an amendment is presented to the amendment of the gentlewoman from New Jersey and is defeated, then another amendment is in order, but no other amendment is in order until such amendment is disposed of. If the amendment to her amendment is disposed of, then another amendment or a substitute is in order.

The CHAIRMAN. That is the Chair's understanding of the rule.

Mr. MARTIN of Colorado. Mr. Chairman, I should like to ask the Chair a question.

The CHAIRMAN. The Chair does not recognize the gentleman for that purpose.

The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the Black-Connery Fair Labor Standards Act of 1937.

PART I—LEGISLATIVE DECLARATION; DEFINITIONS; LABOR STANDARDS BOARD

LEGISLATIVE DECLARATION

SECTION 1. (a) The employment of workers under substandard labor conditions in occupations in interstate commerce, in the production of goods for interstate commerce, or otherwise directly affecting interstate commerce (1) causes interstate commerce and the channels and instrumentalities of interstate commerce to be used to spread and perpetuate among the workers of the several States conditions detrimental to the physical and economic health, efficiency, and well-being of such workers; (2) directly burdens interstate commerce and the free flow of goods in interstate commerce; (3) constitutes an unfair method of competition in interstate commerce; (4) leads to labor disputes directly burdening and obstructing interstate commerce and the free flow of goods in interstate commerce; and (5) directly interferes with the orderly and fair marketing of goods in interstate commerce.

(b) The correction of such conditions directly affecting interstate commerce requires that the Congress exercise its legislative power to regulate commerce among the several States by prohibiting the shipment in interstate commerce of goods produced under substandard labor conditions and by providing for the elimination of substandard labor conditions in occupations in and directly affecting interstate commerce.

Mr. LANHAM (interrupting the reading of the bill). Mr. Chairman, may I submit a parliamentary inquiry?

The CHAIRMAN. The Chair would much prefer that any parliamentary inquiry be submitted at the conclusion of the reading of the section.

The Clerk concluded the reading of the section of the bill.

Mrs. NORTON. Mr. Chairman, I offer an amendment in the nature of a substitute for the pending bill, which I send to the desk, with notice that if it is agreed to, as the subsequent sections of the bill are read I will move to strike them out.

The Clerk read as follows:

Mrs. NORTON moves to strike out all after the enacting clause down to and including all of section 1 of Senate 2475, and insert in lieu thereof the following as a substitute for the Senate bill: "That this act may be cited as the Fair Labor Standards Act of 1937.

"PART I—LEGISLATIVE DECLARATION; DEFINITIONS; WAGE AND HOUR DIVISION OF DEPARTMENT OF LABOR

"LEGISLATIVE DECLARATION

"SECTION 1. (a) The employment of workers under substandard labor conditions in occupations in interstate commerce, in the production of goods for interstate commerce, or otherwise directly affecting interstate commerce (1) causes interstate commerce and the channels and instrumentalities of interstate commerce to be used to spread and perpetuate among the workers of the several States conditions detrimental to the physical and economic health, efficiency, and well-being of such workers; (2) directly burdens interstate commerce and the free flow of goods in interstate commerce; (3) constitutes an unfair method of competition in interstate commerce; (4) leads to labor disputes directly burdening and obstructing interstate commerce and the free flow of goods in interstate commerce; and (5) directly interferes with the orderly and fair marketing of goods in interstate commerce.

"(b) The correction of such conditions directly affecting interstate commerce requires that the Congress exercise its legislative power to regulate commerce among the several States by prohibiting the shipment in interstate commerce of goods produced under substandard labor conditions and by providing for the elimination of substandard labor conditions in occupations in and directly affecting interstate commerce.

"DEFINITIONS

"SEC. 2. (a) As used in this act unless the context otherwise requires—

"(1) 'Person' includes an individual, partnership, association, corporation, business trust, receiver, trustee, trustee in bankruptcy, or liquidating or reorganizing agent.

"(2) 'Interstate commerce' means trade, commerce, transportation, transmission, or communication among the several States or from any State to any place outside thereof.

"(3) 'State' means any State of the United States or the District of Columbia or any Territory or possession of the United States.

"(4) 'Administrator' means the Administrator of the Wage and Hour Division created by section 3 of this act.

"(5) 'Occupation' means an occupation, industry, trade, or business, or branch thereof or class of work or craft therein in which persons are gainfully employed.

"(6) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision thereof, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

"(7) 'Employee' includes any individual employed or suffered or permitted to work by an employer, but shall not include any person employed in a bona fide executive, administrative, professional, or local retailing capacity, or any person employed in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Administrator) nor shall 'employee' include any person employed as a seaman; or any railroad employee subject to the provisions of the Hours of Service Act (U. S. C., title 45, ch. 3); or any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935 (U. S. C., 1934 ed., title 49, ch. 8): *Provided, however,* That the wage provisions of this act shall apply to employees of such carriers by motor vehicle; or any air transport employee subject to the provisions of title II of the Railway Labor Act, approved April 10, 1936; or any person employed in the taking of fish, sea foods, or sponges; or any person employed in agriculture. As used in this act, the term 'agriculture' includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, forestry, horticulture, market gardening, and the cultivation and growing of fruits, vegetables, nuts, nursery products, ferns, flowers, bulbs, livestock, bees, and poultry, and further includes the definition contained in subdivision (g) of section 15 of the Agricultural Marketing Act, approved June 15, 1929, as amended, or any other agricultural or horticultural commodity, and any practices performed by a farmer or on a farm as an incident to such farming operations, including delivery to market. Independent contractors and their employees engaged in transporting farm products from farm to market are not persons employed in agriculture.

"(8) 'Oppressive wage' means a wage lower than the applicable minimum wage declared by order of the Administrator under the provisions of section 4.

"(9) 'Oppressive workweek' means a workweek (or workday) longer than the applicable maximum workweek declared by order of the Administrator under the provisions of section 4.

"(10) 'Oppressive child labor' means a condition of employment under which (A) any employee (as defined in this act to exclude employees in agriculture) under the age of 16 years is employed by an employer (other than a parent or a person standing in place of a parent) in any occupation, or (B) any such employee between the ages of 16 and 18 years is employed by an employer (other than a parent or a person standing in place of a parent) in any occupation which the Chief of the Children's Bureau in the Department of Labor shall from time to time by order declare to be particularly hazardous for the employment of such children or detrimental to their health or well-being; but oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file a certificate issued and held pursuant to the regulation of the Chief of the Children's Bureau certifying that such person is above the oppressive child-labor age. The Chief of the Children's Bureau shall provide by regulation or by order that the employment of employees under the age of 16 years in any occupation shall not be deemed to constitute oppressive child labor if and to the extent that the Chief of the Children's Bureau determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

"(11) 'Substandard labor condition' means a condition of employment under which (A) any employee is employed at an oppressive wage; or (B) any employee is employed for an oppressive workweek; or (C) oppressive child labor exists.

"(12) 'Fair labor standard' means a condition of employment under which (A) no employee is employed at an oppressive wage; or (B) no employee is employed for an oppressive workweek; or (C) no oppressive child labor exists.

"(13) 'Labor standard order' means an order of the Administrator under section 4, 6, or 8 of this act.

"(14) 'Goods' means goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but shall not mean goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof.

"(15) 'Unfair goods' means goods in the production of which employees have been employed in any occupation under any substandard labor condition, or any goods produced in whole or in part by convicts or prisoners except convicts or prisoners on parole or on probation, or inmates of Federal penal or correctional institutions producing goods for the use of the United States Government.

"(16) 'Fair goods' means goods in the production of which no employees have been employed in any occupation under any substandard labor condition.

"(17) 'Produced' means produced, manufactured, mined, handled, or in any other manner worked on; and for the purposes of this act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any process or occupation necessary to the production thereof.

"(18) 'Sale' or 'sell' includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.

"(19) 'To a substantial extent' means not casually, sporadically, or accidentally but as a settled or recurrent characteristic of the matter or occupation described, or of a portion thereof, which need not be a large or preponderant portion thereof.

"(20) The term 'person employed in agriculture' as used in this act, insofar as it shall refer to fresh fruits or vegetables, shall include persons employed within the area of production engaged in preparing, packing, or storing such fresh fruits or vegetables in their raw or natural state.

"(b) For the purposes of this act, proof that any employee was employed under any substandard labor condition in any factory, mill, workshop, mine, quarry, or other place of employment where goods were produced, within 90 days prior to the removal of such goods therefrom (but not earlier than 120 days after the enactment of this act), shall be prima facie evidence that such goods were produced by such employee employed under such substandard labor condition.

"(c) All wage and hour regulations under the provisions of this act shall apply to workers without regard to sex.

"ADMINISTRATIVE AGENCY

"SEC. 3. (a) There is hereby created in the Department of Labor a Wage and Hour Division which shall be under the direction of an Administrator, to be known as the Administrator of the Wage and Hour Division (hereinafter referred to as the Administrator). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $10,000 a year. The Administrator is authorized to administer all the provisions of this act except as otherwise specifically provided and his determinations and labor-standard orders shall not be subject to review by any other person or agency in the executive branch of the Government.

"(b) The Administrator and the Chief of the Children's Bureau, under plans developed with the consent and cooperation of the State agencies charged with the administration of State labor laws, may utilize the services of State and local agencies, officers, and employees administering such laws and notwithstanding any other provisions of law may reimburse such State and local agencies, officers, and employees for their services when performed for such purposes.

"(c) The Administrator may, subject to the civil-service laws, appoint such employees as he deems necessary to carry out the functions and duties of the Administrator and shall fix their salaries in accordance with the Classification Act of 1923, as amended. The Administrator may establish and utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. In all litigation the Administrator shall be represented by the Attorney General or by such attorney or attorneys as he may designate. In the appointment, selection, classification, and promotion of officers

and employees of the Administrator, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency.

"(d) The principal office of the Administrator shall be in the District of Columbia but he may exercise any or all of his powers in any other place.

"(e) The Administrator shall submit annually in January a report to the Congress covering the work of the Administrator for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this act as he may find advisable.

"PART II—ESTABLISHMENT OF FAIR LABOR STANDARDS

"MINIMUM-WAGE AND MAXIMUM-HOUR STANDARDS

"SEC. 4. (a) Whereas wages paid in interstate industries vary greatly between industries and throughout the Nation, reaching as low as $5 or less per week; and

"Whereas hours of labor in interstate industries also vary greatly between industries and throughout the Nation, reaching as high as 84 hours per week; and

"Whereas such wide variations create unfair competition for employers who wish to pay decent wages and maintain decent working hours; and

"Whereas the workers who receive the lowest wages and work the longest hours have been and now are unable to obtain a living wage or decent working hours by individual or collective bargaining with their employers; and

"Whereas it is necessary for the development of American commerce and the protection of American workers and their families that substandard wages and hours be eliminated from interstate industry and business; but

"Whereas it is impossible to achieve such results arbitrarily by an abrupt change so drastic that it might do serious injury to American industry and American workers, and it is therefore necessary to achieve such results cautiously, carefully, and without disturbance and dislocation of business and industry: Now, therefore,

"It is declared to be the policy of this act to establish minimum-wage and maximum-hour standards, at levels consistent with health, efficiency, and general well-being of workers and the profitable operation of American business so far as and as rapidly as is economically feasible, and without interfering with, impeding, or diminishing in any way the right of employees to bargain collectively in order to obtain a wage in excess of the applicable minimum under this act or to obtain a shorter workday or workweek than the applicable maximum under this act.

"(b) Having regard to such policy and upon a finding that a substantial number of employees in any occupation are employed at wages and hours inconsistent with the minimum standard of living necessary for health, efficiency, and general well-being, the Administrator shall appoint a wage and hour committee to consider and recommend a minimum-wage rate for a maximum workday and workweek, or both, as the case may be, for employees in such occupation which shall be as nearly adequate as is economically feasible to maintain such minimum standard of living: *Provided, however,* That no such committees shall be appointed with respect to occupations in which no employee receives less than 40 cents per hour or works more than 40 hours per week.

"(c) Such committee shall be composed of an equal number of persons representing the employers and the employees in such occupation, and of not more than three disinterested persons representing the public, one of whom shall be designated as chairman. Persons representing the employers and employees shall be selected so far as practicable from nominations submitted by employers and employees, or organizations thereof, having due regard to the geographic regions which may be concerned, in such occupation. Two-thirds of the members of such wage and hour committee shall constitute a quorum, and the recommendations of such committee shall require a vote of not less than a majority of all its members. Members of a wage and hour committee shall be entitled to reasonable compensation to be fixed by the Administrator for each day actually spent in the work of the committee in addition to their reasonable and necessary traveling and other expenses and shall be supplied with adequate stenographic, clerical, and other assistance.

"(d) The Administrator shall submit to such a committee promptly upon its appointment such data as the Administrator may have available on the matter referred to it, and shall cause to be brought before the wage and hour committee any witnesses whom the Administrator deems material. A wage and hour committee may summon other witnesses or call upon the Administrator to furnish additional information to aid in its deliberations.

"(e) In recommending a minimum wage a committee shall consider among other relevant circumstances the following: (1) The cost of living; (2) the wages paid by employers in the occupation to be covered by the order establishing such minimum wage who voluntarily maintain reasonable minimum wage standards; (3) the wages established in similar occupations through collective labor agreements negotiated between employers and employees by representatives of their own choosing; (4) local economic conditions; (5) the relative cost of transporting goods from points of production to consuming markets; (6) the reasonable value of the services rendered; and (7) differences in unit costs of manufacturing occasioned by varying local natural resources, operating conditions, or other factors entering into the cost of production.

"(f) In recommending a maximum workday and a maximum workweek, a committee shall consider among other relevant circumstances the following: (1) The hours of employment observed by employers in the occupation to be covered by the order establishing such maximum workday and workweek, who voluntarily maintain a reasonable maximum workday and workweek; (2) the hours of employment established in similar occupations through collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the number of persons seeking employment in the occupation to be subject to the order establishing such maximum workday and workweek.

"(g) A committee's jurisdiction to recommend labor standards shall not include the power to recommend minimum wages in excess of 40 cents per hour or a maximum workweek of less than 40 hours, but higher minimum wages and a shorter maximum workweek fixed by collective bargaining or otherwise shall be encouraged; it being the objective of this act to raise the existing wages in the lower wage groups so as to attain as rapidly as practicable a minimum wage of 40 cents per hour without curtailing opportunities for employment and without disturbance and dislocation of business and industry, and a maximum workweek of 40 hours without curtailing earning power and without reducing production.

"(h) Unless the Administrator finds that the standards recommended by a wage and hour committee have been made without due consideration of the factors enumerated in this section he shall set down for public hearing pursuant to section 10 a proposed order containing such standards together with such regulations and conditions as he may deem necessary and incidental thereto pursuant to sections 6 and 9. If after such hearing the Administrator finds that the proposed standards, so far as is economically feasible, are at levels consistent with the health, efficiency, and general well-being of workers, he shall so declare, and shall issue a labor-standard order applying such standards, regulations, and conditions to the occupation involved pursuant to the procedure hereinafter provided.

"(i) If the recommendations of a committee are not submitted in such time as the Administrator may prescribe as reasonable, the Administrator may appoint a new committee. If the Administrator before or after hearing rejects the recommendations of a wage and hour committee, either in whole or in part, he shall resubmit the matter to the same committee or to a new committee, whichever he deems proper.

"(j) The provisions of this act with respect to maximum workdays or maximum workweeks shall not apply to employees engaged in processing or packing perishable agricultural products during the harvesting season; or to any person employed in connection with the ginning, compressing, and storing of cotton or with the processing of cottonseed; the canning or other packing or packaging of fish, sea foods, sponges or picking, canning, or processing of fruits, or vegetables, or the processing of beets, cane, and maple into sugar and sirup, when the services of such person are of a seasonal nature; or to employees employed in a plant located in dairy production areas in which milk, cream, or butterfat are received, processed, shipped, or manufactured if operated by a cooperative association as defined in section 15, as amended, or the Agricultural Marketing Act.

"COLLECTIVE-BARGAINING AGREEMENTS PROTECTED

"SEC. 5. (a) Nothing in this act or in any regulation or order thereunder shall be construed to interfere with, impede, or diminish in any way the right of employees to bargain collectively or otherwise to engage in any concerted activity allowed by law in order to obtain a wage in excess of the applicable minimum under this act or to obtain a shorter workweek than the maximum workweek under this act or otherwise to obtain benefits or advantages for employees not required by this act, and a minimum wage so sought or obtained shall not be construed or deemed to be illegal or unfair because it is in excess of the minimum wage under this act, and a maximum workweek so sought or obtained shall not be construed or deemed to be illegal or unfair because it is shorter than the maximum workweek under this act.

"(b) A labor-standard order establishing minimum wages or a maximum workweek for any occupation shall be made only if the Administrator finds that collective-bargaining agreements in respect to such minimum wages or maximum hours do not cover a substantial portion of the employees in such occupation, or that existing facilities for collective bargaining in such occupation are inadequate or ineffective to accomplish the purposes of this act.

"(c) A labor-standard order covering any occupation shall not establish for any locality in which such occupation is carried on a minimum wage which is lower or a maximum workweek which is longer than the minimum wage or maximum workweek prevailing for like work done under substantially like conditions in such occupation in such locality, unless the minimum wage established by such order is the highest wage or the maximum workweek is the shortest workweek that the Administrator is authorized to establish under this act.

"(d) The minimum wages and maximum workweek established by collective-bargaining agreements in any occupation shall be prima facie evidence of the appropriate minimum wage and maximum workweek to be established by the Administrator for like work done under substantially like conditions.

"EXEMPTIONS FROM LABOR STANDARDS WITH RESPECT TO WAGES AND HOURS

"SEC. 6. (a) Unless an applicable order of the Administrator under this act shall otherwise provide, the maintenance among employees of an oppressive workweek shall not be deemed to constitute a sub-

standard labor condition if the employees so employed receive additional compensation for such overtime employment at the rate of one and one-half times the regular hourly wage rate at which such employees are employed. But the Administrator shall have power to make an order determining that such overtime employment in any occupation shall constitute a substandard labor condition if and to the extent the Administrator finds necessary or appropriate to prevent the circumvention of this act. Any such order may contain such terms and conditions relating to overtime employment, including the wage rates to be paid therefor and the maximum number of hours of employment in each day and the maximum number of days per week, as the Administrator shall consider necessary or appropriate in the occupation affected.

"(b) The Administrator shall provide by regulation or by order that the employment of employees in any occupation at a wage lower or for a workweek longer than the appropriate fair labor standard otherwise applicable to such occupation shall not be deemed to constitute a substandard labor condition if the Administrator finds that the special character or terms of the employment or the limited qualifications of the employees makes such employment justifiable and not inconsistent with the accomplishment of the purposes of such one or more provisions of this act. Such regulations or orders may provide for (1) the employment of learners, and of apprentices under special certificates as issued pursuant to regulations of the Department of Labor, at such wages lower than the applicable minimum wage and subject to such limitations as to time, number, proportion, and length of service as the Administrator shall prescribe; (2) the employment of persons whose earning capacity is impaired by age or physical or mental deficiency or injury, under special certificates to be issued by the Administrator, at such wages lower than the applicable wage and for such period as shall be fixed in such certificates; (3) deductions for board, lodging, and other facilities furnished by the employer if the nature of the work is such that the employer is obliged to furnish and the employee to accept such facilities; (4) overtime employment in periods of seasonal or peak activity or in maintenance, repair, or other emergency work and the wage rates to be paid for such overtime employment not exceeding the rate of time and one-half; and (5) suitable treatment of other cases or classes of cases which, because of the nature and character of the employment, justify special treatment.

"PART III—UNFAIR GOODS BARRED FROM INTERSTATE COMMERCE AND INTERSTATE COMMERCE PROTECTED FROM THE EFFECT OF SUBSTANDARD LABOR CONDITIONS

"PROHIBITED SHIPMENTS AND EMPLOYMENT CONDITIONS IN INTERSTATE COMMERCE AND PRODUCTION FOR INTERSTATE COMMERCE

"SEC. 7. It shall be unlawful for any person, directly or indirectly—

"(1) to transport or cause to be transported in interstate commerce, or to aid or assist in transporting, or obtaining transportation in interstate commerce for, or to ship or deliver or sell in interstate commerce, or to ship or deliver or sell with knowledge that shipment or delivery or sale thereof in interstate commerce is intended, any unfair goods; or

"(2) To employ under any substandard labor conditions any employee engaged in interstate commerce or in the production of goods intended for transportation or sale in violation of clause (1) of this section.

"PROTECTION OF INTERSTATE COMMERCE FROM EFFECT OF SUBSTANDARD LABOR CONDITIONS

"SEC. 8. (a) Whenever the Administrator shall determine that any substandard labor condition exists in the production of goods in one State and that such goods compete to a substandard extent in that State with other goods produced in another State and sold or transported in interstate commerce, in the production of which such substandard labor condition does not exist, the Administrator shall make an order requiring the elimination of such substandard labor condition and the maintenance of the appropriate fair labor standard in the production of goods which so compete.

"(b) It shall be unlawful for any person, directly or indirectly, to employ any employee in violation of any term or provision of an order of the Administrator made under this section.

"(c) The United States Tariff Commission upon request of the President or upon resolution of either or both Houses of Congress or if imports are substantial and increasing in ratio to domestic production and if in the judgment of the Commission there is good and sufficient reason therefor, then, upon its own motion or upon the request of the Administrator or upon application of any interested party, shall investigate the differences in the costs of production of any domestic article and of any like or similar foreign article resulting from the operation of this act, and shall recommend to the President such an increase (within the limits of section 336 of the Tariff Act of 1930) in the duty upon imports of the said foreign article, or such a limitation in the total quantity permitted entry, or entry without increase in duty, as it may find necessary to equalize the said differences in cost and to maintain the standards established pursuant to this act. In the case of an article on the free list in the Tariff Act of 1930, it shall recommend, if required for the purposes of this section, a limitation on the total quantity permitted entry. The President shall by proclamation approve and cause to be put into effect the recommendations of the Commission if, in his judgment, they are warranted by the facts ascertained in the Commission's investigation.

"(d) All provisions of title III, part II, of the Tariff Act of 1930, applicable with respect to investigations, reports, and proclamations under section 336 of the said tariff act, shall, insofar as they are not inconsistent with this section, be applicable with respect to investigations under this section. Nothing in this section shall be construed as permitting action in violation of any international obligation of the United States. In recommending any limitation of the quantity permitted entry, or entry without an increase in duty, the Commission, if it finds it necessary to enforce such limitations or to carry out any of the provisions of this section, shall recommend that the foreign article concerned be forbidden entry except under license from the Secretary of the Treasury and that the quantity permitted entry, or entry without an increase in duty, shall be allocated among the different supplying countries on the basis of the proportion of imports from each country in a previous representative period. Any proclamation under this section may be modified or terminated by the President whenever he approves findings submitted to him by the Commission that conditions require the modification recommended by the Commission to carry out the purposes of this section, or that the conditions requiring the proclamation no longer exist.

"PART IV—GENERAL ADMINISTRATIVE PROVISIONS

"LABOR-STANDARD ORDERS

"SEC. 9. A labor-standard order—

"(1) shall be made only after a hearing held pursuant to section 10;

"(2) shall take effect upon the publication thereof in the Federal Register or at such date thereafter as may be provided in the order;

"(3) shall define the occupation or occupations, the territorial limits within which such order shall operate, and the class, craft, or industrial unit or units to which such order relates;

"(4) subject to the provisions of this act, may classify employers, employees, and employments within the occupation to which such order relates according to localities, the population of the communities in which such employment occurs, the number of employees employed, the nature and volume of the goods produced, and such other differentiating circumstances as the Administrator finds necessary or appropriate to accomplish the purposes of such order, and may make appropriate provision for different classes of employers, employees, or employment; but it shall be the policy of the Administrator to avoid the adoption of any classification which effects an unreasonable discrimination against any person or locality or which adversely affects prevailing minimum wage or maximum work week standards and to avoid unnecessary or excessive classifications and to exercise his powers of classification only to the extent necessary or appropriate to accomplish the essential purposes of the act;

"(5) in case of an order relating to wages, may contain such terms and conditions as the Administrator may consider necessary or appropriate to prevent the established minimum wage becoming the maximum wage; but it shall be the policy of the Administrator to establish such minimum-wage standards as will affect only those employees in need of legislative protection without interfering with the voluntary establishment of appropriate differentials and higher standards for other employees in the occupation to which such standards relate;

"(6) shall contain such terms and conditions (including the restriction or prohibition of industrial home work or of such other acts or practices) as the Administrator finds necessary to carry out the purposes of such order, to prevent the circumvention or evasion thereof, or to safeguard the fair labor standards therein established;

"(7) may modify, extend, or rescind at any time, in the light of the circumstances then prevailing, a labor-standard order previously made: *Provided*, That at least 90 days' notice from the date of the order must be given before any change is made effective if it increases wages or reduces hours.

"HEARINGS

"SEC. 10. A labor-standard order shall be made, modified, extended, or rescinded only after a hearing held pursuant to this section. Such hearing shall be held at such time and place as the Administrator shall prescribe, on the Administrator's own motion or on the complaint of any labor organization or any person having a bona-fide interest (as defined by the Administrator), filed in accordance with such regulations as the Administrator shall prescribe, and showing reasonable cause why such hearing should be held. Such hearing shall be public and may be held before the Administrator, or any officer or employee of the Wage and Hour Division designated by him. Appropriate records of such hearing shall be kept. The Administrator shall not be bound by any technical rules of evidence or procedure.

"INVESTIGATIONS; TESTIMONY

"SEC. 11. (a) The Administrator in his discretion may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any occupation subject to this act, and may inspect such places and such records (and make such transcripts thereof) and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated or is about to violate any provision of this act or any labor-standard order, or to aid in the enforcement of the provisions of this act, in prescribing regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation concerning the matters to which this act relates.

"(b) For the purpose of any investigation or any other proceeding under this act, a wage and hour committee, the Administrator, or any officer or employee of the Wage and Hour Division designated by him, is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, or other records of any employer deemed relevant or material to the inquiry. Witnesses appearing before the Administrator or any officer or employee designated by him, in obedience to subpenas of the Administrator, shall be entitled to such fees and mileage as the Administrator may by rules and regulations prescribe.

"(c) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Administrator, or the wage and hour committee, as the case may be, may invoke the aid of any court of the United States in the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, and other records. Such court may issue an order requiring such person to appear before the wage and hour committee, or before the Administrator or officer or employee designated by him, as the case may be, and to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

"(d) No person shall be excused from attending and testifying or from producing books, papers, correspondence, or other records and documents on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"ENFORCEMENT

"SEC. 12. Whenever it shall appear to the Administrator that any person is engaged or about to engage in any act or practice which constitutes or will constitute a violation of any provision of this act, or of any provision of any labor-standard order, he may in his discretion bring an action in the proper district court of the United States to enjoin such act of practice and to enforce compliance with this act or with such labor-standard order, and upon a proper showing a permanent or temporary injunction or decree or restraining order shall be granted without bond. The Administrator may transmit such evidence as may be available concerning such acts or practices to the Attorney General, who, in his discretion, may institute the appropriate criminal proceedings under this act.

"RECORDS; LABELS

"SEC. 13. (a) Every employer subject to any provision of this act or of a labor-standard order shall make, keep, and preserve such records of the persons employed by him; and the wages, hours, and other conditions and practices of employment maintained by him and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as the Administrator shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this act or the regulations or orders thereunder. Every employer subject to a labor-standard order shall keep a copy of such order posted in a conspicuous place in every room in which employees in any occupation subject to such order are employed, and a schedule of hours of employment on a form published by the Administrator shall contain the maximum number of hours each employee is to be employed during each day of the week with the total hours per week, the hours of commencing and stopping work, and the beginning and end of periods allotted for meals. If more than one schedule of hours is in operation at a particular place of employment, the posted schedule shall contain the names of the employees working on the different shifts and shall indicate the hours required for each employee or group of employees. The presence of any employee at the place of employment at any other hours than those stated in the schedule applying to him shall be deemed prima facie evidence of violation of such order, unless such employee is receiving the overtime rate provided in section 6 (b). Employers shall be furnished copies of such orders and forms upon request without charge.

"(b) No person other than the producer shall be prosecuted for the transportation, shipment, delivery, or sale of unfair goods who has secured a representation in writing from the person by whom the goods transported, shipped, or delivered were produced, resident in the United States, to the effect that such goods were not produced in violation of any provision of this act. If such representation contains any false statement of a material fact, the person furnishing the same shall be amenable to prosecution and to the penalties provided for the violation of the provisions of this act.

"POWERS OF THE SECRETARY OF LABOR AND OF THE CHILDREN'S BUREAU

"SEC. 14. (a) So far as practicable, the Administrator shall utilize the Department of Labor for all the investigations and inspections necessary under section 11 (a). The Secretary of Labor shall have the powers enumerated therein in the conduct of such investigations and inspections and shall report the results thereof to the Administrator.

"(b) The Administrator shall utilize the Chief of the Children's Bureau in the Department of Labor, or any of his authorized representatives, for all investigations and inspections under section 11 with respect to the employment of minors and to bring all actions under section 12 to enjoin any act or practice which is unlawful by reason of the existence of oppressive child labor.

"REGULATIONS; ORDERS

"SEC. 15. The Administrator shall have authority from time to time to make, issue, amend, and rescind such regulations and such orders as he may deem necessary or appropriate to carry out the provisions of this act, including but not limited to regulations defining technical and trade terms used in this act. Among other things, the Administrator shall have authority, for the purposes of this act, to provide for the form and manner in which complaints may be filed and proceedings instituted for the establishment of fair labor standards; to prescribe the procedure to be followed at any hearing or other proceeding before the Administrator or any officer or employee designated by him, or wage and hour committee appointed by him. For the purpose of his regulations and orders, the Administrator may classify persons and matters within his jurisdiction and prescribe different requirements for different classes of persons or matters. The regulations and orders of the Administrator shall take effect upon the publication thereof in the Federal Register or at such later date as the Administrator shall direct. No provision of this act imposing any liability or disability shall apply to any act done or omitted in good faith in conformity with any regulation or order of the Administrator, notwithstanding that such regulation or order may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

"VALIDITY OF CONTRACTS

"SEC. 16. (a) Any provision of any contract, agreement, or understanding made in violation of any provision of this act or of a regulation or order thereunder shall be null and void.

"(b) Any contract, agreement, understanding, condition, stipulation, or provision binding any person to waive compliance with any provision of this act or with any regulation or order thereunder shall be null and void.

"REPARATION; RELEASE OF GOODS

"SEC. 17. (a) If any employee is paid by his employer a wage lower than the applicable minimum wage required to be paid by any provision of this act or of a labor-standard order, or required to be paid to make it lawful under this act for goods in the production of which such employee was employed to be shipped in interstate commerce or to compete with goods shipped in interstate commerce, such employee shall be entitled to receive as reparation from his employer the full amount of such minimum wage less the amount actually paid to him by the employer. If any employee is employed for more hours per week or per day than the maximum workweek or workday required to be maintained by any provision of this act or of a labor-standard order, he shall be entitled to receive as reparation from his employer additional compensation for the time that he was employed in excess of such maximum workweek or workday at the rate of one and one-half times the agreed wage at which he was employed or the minimum wage, if any, for such time established by this act or by an applicable labor-standard order, whichever is higher, less the amount actually paid to him for such time by the employer.

"(b) Any employee entitled to reparation under this section may recover such reparation in a civil action together with costs and such reasonable attorney's fees as may be allowed by the court. Any such claim for reparation shall not be the subject of any voluntary assignment, except to the Administrator as herein provided. At the request or with the consent of any employee entitled to such reparation, the Administrator or an authorized regional representative of the Administrator, may take an assignment of any claim of such employee under this section in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay costs and such reasonable attorney's fees as may be allowed by the court. Employees entitled to reparations from the same employer may bring a joint action to recover such reparations or, if separate actions are brought, such employees or the employer shall have the right to have such actions consolidated for trial.

"(c) The Administrator shall, by order, exempt any goods from the operation of any provision of this act prohibiting the sale or transportation of such goods in interstate commerce if the Administrator finds that every person having a substantial proprietary interest (as defined by the Administrator) in such goods had no reason to believe that any substandard labor condition existed in the production of such goods or that such exemption is necessary to prevent undue hardship or economic waste and is not detrimental to the public interest. Any order of the Administrator under this subsection shall contain such terms and conditions as the Administrator considers necessary or appropriate in order to safeguard the enforcement and prevent the circumvention of this act. In the case of goods produced under any substandard labor condition relating to wages or hours of employment maintained by any employer having a substantial proprietary interest (as defined by the Administrator) in such goods, no such order shall be granted unless it is established to the satisfaction of the Admin-

istrator that adequate provision has been made for the payment, to every employee employed by him in the production of such goods under any such substandard labor condition, of the reparation to which such employee is entitled under this section on account of such employment.

"RELATION TO OTHER LAWS

"SEC. 18. No provision of this act or of any regulation or order thereunder shall justify noncompliance with any Federal or State law or municipal ordinance establishing a minimum wage higher than a minimum wage established under this act or a maximum workweek lower than a maximum workweek established under this act, or otherwise regulating the conditions of employment in any occupation and not in conflict with a provision of this act or a regulation or order thereunder.

"COMMON CARRIERS NOT LIABLE

"SEC. 19. No provision of this act shall impose any liability or penalty upon any common carrier for the transportation in interstate commerce in the regular course of its business of any goods not produced by such common carrier, and no provision of this act shall excuse any common carrier from its obligations to accept any goods for transportation.

"COURT REVIEW OF ORDERS

"SEC. 20. (a) Any person aggrieved by an order of the Administrator under this act may obtain a review of such order in the circuit court of appeals of the United States for any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia by filing in such court, within 60 days after the entry of such order, a written petition praying that the order of the Administrator be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Administrator, and thereupon the Administrator shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part. The review by the court shall be limited to questions of law, and findings of fact by the Administrator when supported by evidence shall be conclusive unless it shall appear that the findings of the Administrator are arbitrary or capricious. No objection to the order of the Administrator shall be considered by the court unless such objection shall have been urged before the Administrator or unless there were reasonable grounds for failure so to do. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceeding and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence to be taken before the Administrator and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Administrator may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, which if supported by evidence shall be conclusive, and his recommendation, if any, for the modifications or setting aside of the original order. The judgment and decree of the court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

"(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Administrator's order. The court shall not grant any stay of a labor-standard order relating to wages or hours unless the person complaining of such order shall file in court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees subject to the order of the reparation to which they would be entitled under section 17 in the event that the order should be upheld.

"JURISDICTION OF OFFENSES AND SUITS

"SEC. 21. The district courts of the United States shall have jurisdiction of violations of this act or the regulations or orders thereunder, and, concurrently with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this act or the regulations or orders thereunder. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation or an element thereof occurred. Any suit or action to enforce any liability or duty created by, or to enjoin any violation of, this act, or regulations or orders thereunder, may be brought in any such district or in the district wherein the defendant is an inhabitant or transacts business, and process in such cases may be served in any district in which the defendant is an inhabitant or transacts business or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 225 and 347), and section 7, as amended, of the act entitled "An act to establish a Court of Appeals for the District of Columbia," approved February 9, 1893 (D. C. Code, title 18, sec. 26). No costs shall be assessed against the Administrator in any proceeding under this act brought by or against the Administrator in any court.

"PENALTIES

"SEC. 22. (a) Any person who willfully performs or aids or abets in the performance of any act declared to be unlawful by any provision of this act or who willfully fails or omits to perform any act, duty, or obligation required by this act to be performed by him shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than $500 or imprisoned for not more than 6 months, or both. Where the employment of an employee in violation of any provision of this act or of a labor-standard order is unlawful, each employee so employed in violation of such provision shall constitute a separate offense. No person shall be imprisoned under this subsection except for an offense committed after the conviction of such person for a prior violation of this subsection.

"(b) Any person who willfully makes any statement or entry in any application, report, or record filed or kept pursuant to the provisions of this act or any regulation or order thereunder, knowing such statement or entry to be false in any material respect shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than $500 or imprisoned for not more than 6 months, or both.

"(c) Any employer who willfully discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any investigation or proceeding under or related to this act, or has testified or is about to testify in any such investigation or proceeding, or has served or is about to serve on an advisory committee, or because such employer believes that such employee has done or may do any of said acts, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

"(d) Any person who, without just cause, shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, or other records, if in his or its power so to do, in obedience to a subpena issued pursuant to this act, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than $500 or to imprisonment for not more than 6 months, or both.

"(e) No producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce any goods produced in an establishment situated in the United States in or about which within 30 days prior to the removal of such goods therefrom any oppressive child labor has been employed: *Provided*, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any goods under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such goods before the beginning of said prosecution.

"SEPARABILITY

"SEC. 23. If any provision of this act or of any regulation or order thereunder or the application of such provision to any person or circumstances shall be held invalid, the remainder of the act and the application of such provision of this act or of such regulation or order to persons or circumstances other than those as to which it is held invalid shall not be affected thereby. Without limiting the generality of the foregoing, if any provision of this act or any regulation or order thereunder shall be held invalid insofar as it gives any effect to any substandard labor condition or requires the maintenance of any fair labor standard on the part of any person or in any circumstances, the application of such provision of this act or of such regulation or order shall not be affected thereby insofar as it gives any effect to any other substandard labor condition or requires the maintenance of any other fair labor standard on the part of the same person or in the same circumstances, or insofar as it gives any effect to the same substandard labor conditions or requires the maintenance of the same fair labor standard on the part of any other person or in any other circumstances.

"EFFECTIVE DATE OF ACT

"SEC. 24. This act shall take effect immediately, except that no provision requiring the maintenance of any fair labor standard or giving any effect to any substandard labor condition shall take effect until the one hundred and twentieth day after the enactment of this act, and no labor-standard order shall be effective prior to that day."

Mr. RAMSPECK (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the reading of the substitute may be dispensed with.

Mr. SNELL. I object, Mr. Chairman.

The CHAIRMAN. The Clerk will resume the reading of the amendment.

The Clerk resumed the reading of the amendment.

Mr. FULLER (interrupting the reading of the amendment). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FULLER. Mr. Chairman, at times we are unable to follow the reading of the bill and some of us would like to know whether or not what the Clerk is now reading is the committee print of a bill known as H. R. ———, introduced by Mr. ———?

The CHAIRMAN. Of course, the Chair has no official knowledge of what is in the amendment, but it is the understanding of the Chair that is the amendment being read.

Mr. FULLER. And it is offered as a substitute?

The CHAIRMAN. It is offered as an amendment in the nature of a substitute.

The Clerk resumed the reading of the amendment.

Mr. ELLENBOGEN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise? The Chair may state that the Chair will not recognize any gentleman during the reading of the amendment for a parliamentary inquiry.

Mr. ELLENBOGEN. Mr. Chairman, I want to submit a unanimous-consent request.

The CHAIRMAN. The Chair will adopt a similar procedure with respect to unanimous-consent requests until the amendment is read.

The Clerk resumed and concluded the reading of the amendment.

Mr. SNELL. Mr. Chairman, I submit a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SNELL. Mr. Chairman, I make the point of order that the amendment just read at the Clerk's desk is not germane to the original Senate bill (S. 2475), and I direct my remarks particularly to the lines at the top of page 2 of the Senate bill which states that the object of this bill is to set up a Labor Standards Board.

This was the primary object of the Senate bill.

The bill as presented in the form of a substitute by the chairman of the Labor Committee states in the same relative position in the bill that this is a bill to set up a wage and hour division of the Department of Labor.

I make the point of order that this is not a germane amendment for the reason it changes the purport and main object of the original bill.

I want to read for the benefit of the House paragraph 7 of rule XVI, which is that—

> No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

This is the rule which is generally mentioned as requiring amendments to be germane to a bill or to the particular part of the bill to which the amendment is offered.

The bill we have under consideration sets up a separate, independent board to perform certain duties and, the duties are prescribed in the bill. The amendment offered as a substitute provides for the setting up of a bureau under one of the executive Departments with an administrative head, and the head of this bureau can prescribe duties for various committees throughout the country. The whole general proposition and set-up is entirely changed from that set forth in the original bill.

There are a great many decisions that have been made along this line. I am not going to take the time of the Committee to call the attention of the Chair to all of these various decisions. I would like to call attention to one made by Chairman Fitzgerald holding out of order, as not germane, a proposition to amend a bill providing that funds resulting from the sale of coal, phosphate, oil, and so forth, lands should be paid into the reclamation fund and disposed of in a certain way, should be used to constitute a national good-roads fund. An amendment was offered to use these funds for a national good roads fund, and in his decision Chairman Fitzgerald, after he had read the rule I referred to a moment ago, said:

> When, therefore, it is objected that the proposed amendment is not in order because it is not germane, the meaning of the objection is simply that if the proposed amendment is a motion or a proposition of a subject different from that under consideration.

And so forth. Now, no man can contend that to a proposition setting up of an independent agency of the Government you can add an amendment creating a bureau under an executive Department and not be talking about an entirely different proposition.

I want also to refer to a decision that was made by Chairman Tilson several years ago when I happened to argue the point of order at that time.

There was a provision providing for the issuance to soldiers, upon the payment of premiums, a proposition for the continuance of such insurance for 2 years without payment of premiums. Of course, these were very closely related subjects and you might say that these other propositions in the two separate bills before us are related subjects, but they are not definitely germane subjects merely because they are related.

After considerable argument in regard to this proposition the Chairman made his ruling about as follows, and I shall not read the entire ruling:

What is the subject under consideration? The subject under consideration is a bill amending the War Risk Insurance Acts in several respects. The subject under consideration is not insurance or even war-risk insurance, but the granting of insurance by the United States upon the payment of premiums. Now, what is the subject of the proposed amendment? The term insurance in force shall be continued in force for 2 years without the payment of premium or otherwise provide for free insurance.

In the decision Chairman Tilson referred to Hinds' Precedents V, 5877, and quoted the following cases in point.

To a bill relating to the sale of public lands, an amendment proposing to give them to settlers was held not germane.

Clearly the two propositions are related, but the subjects are not necessarily germane. The following has also been held as not germane:

To a proposition relating to the terms of Senators, an amendment providing for a change in the manner of their election.

To a general tariff bill, an amendment creating a tariff board.

All of these subjects are related, but they are not germane to the whole line of precedents and the rulings by the Chairman have been against such amendments. That is exactly the situation that we have before us at the present time. The whole proposition in the original Senate bill was to set up an independent board to regulate various matters pertaining to labor, but the amendment here today is an entirely different proposition, and employs an entirely different method to accomplish the same result. There can be no argument as to their being entirely different. They may intend to accomplish the same result, but they proceed along entirely different courses, and for that reason, Mr. Chairman, I maintain that the amendment offered by the chairman of the Committee on Labor is not a germane amendment to Senate bill 2475.

Mr. O'CONNOR of New York. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair would first ascertain whether or not any other points of order are to be advanced at this particular time.

Mr. COOPER. Mr. Chairman, I make the point of order against the amendment offered in the nature of a substitute to the pending bill on the ground that it is not germane and that it seeks to write a tariff bill and violates the jurisdiction of the Committee on Ways and Means. I especially invite the attention of the Chair to the provision appearing on page 21 of the pending amendment, section 8, paragraph (c), down to and including paragraph (d) and ending with line 19, page 23. I request the privilege of being heard briefly on the point of order if the Chair desires to hear me now or to wait until further argument is made on the point already presented.

The CHAIRMAN. The Chair would like to hear the gentleman on his point of order.

Mr. COOPER. Mr. Chairman, of course there can be no doubt that if any part of an amendment is subject to a point of order, of course the whole amendment is subject to the point of order. Naturally, the question here presented

turns on the language appearing in the pending bill, and the language appearing in the amendment here proposed.

Mr. SNELL. Mr. Chairman, will the gentleman yield to me to make a parliamentary inquiry?

Mr. COOPER. Mr. Chairman, I yield.

Mr. SNELL. Mr. Chairman, it seems to me that one point of order ought to be disposed of before we start on another point of order, that that would be the better procedure and more orderly than to have all of these points of order made at one time, because they are all entirely different. When the gentleman from Tennessee began to state his point of order I thought it was along the same lines as my own.

Mr. COOPER. Of course, my point of order was raised at this time at the invitation of the Chair.

Mr. SNELL. I think one point of order should be considered at a time, Mr. Chairman.

Mr. COOPER. From my viewpoint I think they should all be presented.

The CHAIRMAN. The Chair feels it is within the discretion of the Chair to hear all points of order at the same time that relate to germaneness, and also in the discretion of the Chair as to which one he will rule upon in the first instance.

Mr. SNELL. Mr. Chairman, I appreciate it is within the discretion of the Chair, but I merely request that one be heard at a time. If the Chair rules otherwise, that is all there is to it.

The CHAIRMAN. The Chair feels it would be in the best interest of orderly conduct if the procedure indicated by the Chair is followed.

Mr. BOILEAU. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Tennessee has the floor.

Mr. COOPER. Mr. Chairman, I yield.

Mr. BOILEAU. Mr. Chairman, would not the general point of order to the effect that the amendment is not germane to the section and is not germane to the bill be broad enough so that it is not necessary to make particular points and to call particular attention to an amendment? Is not that broad enough so that the Chair can act on the proposed amendment if it be not germane on any particular provision of the bill that might come to the attention of the Chair?

The CHAIRMAN. The Chair would rule upon the specific points of order advanced and the reasons advanced in support of the points of order. The Chair could not go beyond that. As far as the present points of order are concerned, the Chair will confine his ruling to those points of order. To be frank, the Chair can conceive of a situation where rulings on various points of order relating to germaneness might vary. The Chair will hear the gentleman from Tennessee.

Mr. COOPER. Mr. Chairman, I was in the act of inviting the attention of the Chair to the language appearing in the pending bill and, in comparison with that, to the language appearing in the amendment and the entirely different purposes sought to be accomplished.

The Chair will notice that the language appearing in the Senate bill—

> That the United States Tariff Commission (1) upon request of the President, (2) upon request of either or both Houses of Congress, or (3) upon request of the Board, or upon notice, when in the judgment of the Commission there is good and sufficient reason therefor, upon the application of any interested party, shall investigate.

Investigation is the point to be borne in mind.

Then, with reference to paragraph (d) of Senate bill 2475, it is provided:

> All provisions of law applicable with respect to investigations under section 336 of the Tariff Act of 1930, as amended, including the provisions applicable to reports of the Commission and proclamations by the President, shall, insofar as they are not inconsistent with this section, be applicable in like manner with respect to investigations.

I desire to emphasize the fact that in paragraph (d), which I have just quoted, at the very beginning of the paragraph, and again at the end of the paragraph, the definite limitation as to investigations is imposed. That disposes of the language appearing in the Senate bill on the question here raised.

Then I invite the attention of the Chair to the provisions of the pending amendment, the so-called new bill which is here offered as an amendment in the nature of a substitute. Without quoting the entire provisions, I simply invite the attention of the Chair to the fact that this provision seeks not only to require investigations as to tariff matters but goes far beyond that. It seeks to definitely impose quotas on imported articles into this country. It goes further and definitely imposes embargoes upon the importation of articles from other countries. And, perhaps most important of all, it definitely provides for the transfer of articles from the free list to the dutiable list and the transfer of articles from the dutiable list to the free list of the Tariff Act of 1930.

I especially invite the attention of the Chair to the fact that under section 336 of the Tariff Act of 1930, the so-called flexible provision, it is definitely prohibited that those transfers from the free list to the dutiable list or from the dutiable list to the free list may be made.

Therefore it is my insistence that the provision here presented by way of an amendment is far beyond the scope or purpose sought to be accomplished by the provision of the pending bill. It violates the rules of the House. It invades the jurisdiction of the Committee on Ways and Means, allows the writing of a tariff bill, for all practical intents and purposes, that would take the place very largely of the present tariff law, and yet is brought in under color of an amendment to the pending bill.

There are many precedents to which attention may be invited with which the Chair is thoroughly familiar. Of course, those presented by the distinguished gentleman from New York [Mr. SNELL] would in many respects be applicable with equally as great and perhaps greater force to the point of order here presented as they were to the question raised by him. I would especially invite the attention of the Chair to the decision, rather famous in the parliamentary proceedings of the House, made by Speaker Clark on the point of order raised by Mr. Underwood, of Alabama, which, in substance, provides that an amendment is not germane which seeks to provide for the creation of a tariff commission in a tariff bill.

Many other decisions directly in point could be cited, but, of course, the Chair has ready access to them and is familiar with them.

Therefore I make the point of order on the grounds here presented.

Mr. MARTIN of Colorado. Mr. Chairman, I desire to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MARTIN of Colorado. Mr. Chairman, I make a point of order against the child-labor legislation which is to be found on page 5 of the substitute offered by the gentlewoman from New Jersey, paragraph 10, section 2.

My point of order, briefly, is this: In the Senate bill complete jurisdiction of the child-labor law is vested in the Secretary of Labor. In the committee amendment jurisdiction is vested in the Chief of the Children's Bureau, to the complete exclusion of the Secretary and the Department of Labor.

I am not passing on the merits of the point of order raised by the gentleman from New York [Mr. SNELL], but it strikes me that these propositions are fairly similar. The point of order raised by the gentleman from New York was that the Senate bill provided for the administration of this law by a board of five, appointed by the President, whereas in the House amendment it is to be administered by an administrator appointed by the President; while with respect to child labor complete jurisdiction is given to the Secretary of Labor in the Senate bill, and complete jurisdiction is given to the Chief of the Children's Bureau in the House bill. If one of these propositions is not germane, the other is not germane. I submit the point of order for ruling.

The CHAIRMAN. Does the gentleman from New York [Mr. O'CONNOR] desire to be heard?

Mr. O'CONNOR of New York. I do, Mr. Chairman.

As to the point of order made by the distinguished gentleman from Colorado [Mr. MARTIN] my remarks as to that will be substantially the same as those directed to the point of order made by the distinguished minority leader, Mr. SNELL.

But, first, let me express my views as to the point of order made by the distinguished gentleman from Tennessee [Mr. COOPER].

As to that point of order, I frankly agree with the distinguished gentleman that his point of order as to the so-called amendments to the Senate bill, which were placed therein by the House Labor Committee relating to the tariff are out of order, except in one small particular, I believe. On page 23, the language at the top of that page of the amendment, in the nature of a substitute reads:

Nothing in this section shall be construed as permitting action in violation of any international obligation of the United States.

I do not believe that particular language is out of order on the ground of any jurisdictional dispute between the Ways and Means Committee and the Labor Committee, nor do I think there is any question as to its germaneness; but as to the amendments put on the Senate bill by the House Committee on Labor relating to the tariff, I agree that they are not in order. If the chairman of the Committee on Labor supports my admission it would require her to submit a substitute amendment eliminating those matters which were not in order; provided, of course, the Chair should hold that the point of order made by the gentleman from Tennessee was well taken.

Mrs. NORTON. Mr. Chairman, I admit the point of order and will send an amendment to the desk at the proper time.

Mr. SNELL. Mr. Chairman, I could not hear what was said.

Mrs. NORTON. I said that I would admit the point of order if necessary.

The CHAIRMAN. The gentlewoman from New Jersey admitted that the point of order raised by the gentleman from Tennessee would lie.

Mr. O'CONNOR of New York. Mr. Chairman, while that might dispose of the whole matter, may I not suggest that all these points of order be discussed at this time?

The CHAIRMAN. The Chair would prefer to pass on the specific point of order raised by the gentleman from Tennessee at this time.

Mr. SNELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. SNELL. If the Chair please, I understood the Chair to say that the Chair was going to pass on all the points of order at once. It seems to me, my point of order being made first, should be ruled upon first if the Chair is not going to treat them in a general way.

The CHAIRMAN. The gentleman from New York misunderstood the Chair. The Chair said the Chair would hear all points of order at the same time and then would exercise judgment as to the manner in which they were passed upon.

The Chair is prepared to rule on the point of order raised by the gentleman from Tennessee.

The chairman of the committee admits the point of order. The distinguished gentleman from New York, one of the outstanding parliamentarians of the House, concedes the point of order, and the Chair is of opinion that the amendment reported by the committee, so far as it relates to the point raised by the gentleman from Tennessee, clearly exceeds the scope of the Senate amendment, which is the basis of any action that the House committee might take by way of committee amendment. The original of the Senate amendment is the existing law itself, section 336 of the Tariff Act, which confines itself to recommendations of commodities upon the dutiable list not to exceed 50 percent either way, either downward or upward. No authority is found in that law for the recommendation of quotas, nor does it contain authority to take commodities from the free list and put them upon the dutiable list, or vice versa. There is no authority in the Tariff Commission to do anything other than confine its investigations to commodities or items upon the dutiable list. There is no authority in that particular provision of existing law for the creation of a license system as provided in the amendment relating to tariff proposed by the committee.

The amendment clearly exceeds the provisions of the Senate bill and enlarges it to such an extent, as the gentleman from Tennessee has well said, as to virtually write a new tariff law. It is clearly out of order.

The Chair sustains the point of order.

Mrs. NORTON. Mr. Chairman, I send an amendment to the Clerk's desk.

Mr. SNELL. Mr. Chairman, I ask a ruling on my point of order before any new business is transacted.

The CHAIRMAN. The Chair will rule upon the gentleman's point of order at the appropriate time. The Chair has already sustained a point of order which affects the entire amendment offered by the gentlewoman from New Jersey. There is therefore nothing for the Chair to pass upon at this particular time.

Mr. SNELL. Then the entire amendment is ruled out?

The CHAIRMAN. At this time. The gentlewoman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mrs. NORTON moves to strike out all after the enacting clause down to and including all of section 1 of the bill S. 2475 and insert in lieu thereof the following as a substitute for the Senate bill:

"That this act may be cited as the Fair Labor Standards Act of 1937.

"PART I—LEGISLATIVE DECLARATION; DEFINITIONS; WAGE AND HOUR DIVISION OF DEPARTMENT OF LABOR

"LEGISLATIVE DECLARATION

"SECTION 1. (a) The employment of workers under substandard labor conditions in occupations in interstate commerce, in the production of goods for interstate commerce, or otherwise directly affecting interstate commerce (1) causes interstate commerce and the channels and instrumentalities of interstate commerce to be used to spread and perpetuate among the workers of the several States conditions detrimental to the physical and economic health, efficiency, and well-being of such workers; (2) directly burdens interstate commerce and the free flow of goods in interstate commerce; (3) constitutes an unfair method of competition in interstate commerce; (4) leads to labor disputes directly burdening and obstructing interstate commerce and the free flow of goods in interstate commerce; and (5) directly interferes with the orderly and fair marketing of goods in interstate commerce.

"(b) The correction of such conditions directly affecting interstate commerce requires that the Congress exercise its legislative power to regulate commerce among the several States by prohibiting the shipment in interstate commerce of goods produced under substandard labor conditions and by providing for the elimination of substandard labor conditions in occupations in and directly affecting interstate commerce.

"DEFINITIONS

"SEC. 2. (a) As used in this act unless the context otherwise requires—

"(1) 'Person' includes an individual, partnership, association, corporation, business trust, receiver, trustee, trustee in bankruptcy, or liquidating or reorganizing agent.

"(2) 'Interstate commerce' means trade, commerce, transportation, transmission, or communication among the several States or from any State to any place outside thereof.

"(3) 'State' means any State of the United States or the District of Columbia or any Territory or possession of the United States.

"(4) 'Administrator' means the Administrator of the Wage and Hour Division created by section 3 of this act.

"(5) 'Occupation' means an occupation, industry, trade, or business, or branch thereof or class of work or craft therein, in which persons are gainfully employed.

"(6) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States or any State or political subdivision thereof, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

"(7) 'Employee' includes any individual employed or suffered or permitted to work by an employer, but shall not include any person

employed in a bona fide executive, administrative, professional, or local retailing capacity, or any person employed in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Administrator), nor shall 'employee' include any person employed as a seaman, or any railroad employee subject to the provisions of the Hours of Service Act (U. S. C., title 45, ch. 3), or any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935 (U. S. C., 1934 ed., title 49, ch. 8): *Provided, however,* That the wage provisions of this act shall apply to employees of such carriers by motor vehicle; or any air transport employee subject to the provisions of title II of the Railway Labor Act approved April 10, 1936; or any person employed in the taking of fish, sea foods, or sponges; or any person employed in agriculture. As used in this act, the term 'agriculture' includes farming in all its branches and, among other things, includes the cultivation and tillage of the soil, dairying, forestry, horticulture, market gardening, and the cultivation and growing of fruits, vegetables, nuts, nursery products, ferns, flowers, bulbs, livestock, bees, and poultry; and further includes the definition contained in subdivision (g) of section 15 of the Agricultural Marketing Act approved June 15, 1929, as amended, or any other agricultural or horticultural commodity, and any practices performed by a farmer or on a farm as an incident to such farming operations, including delivery to market. Independent contractors and their employees engaged in transporting farm products from farm to market are not persons employed in agriculture.

"(8) 'Oppressive wage' means a wage lower than the applicable minimum wage declared by order of the Administrator under the provisions of section 4.

"(9) 'Oppressive workweek' means a workweek (or workday) longer than the applicable maximum workweek declared by order of the Administrator under the provisions of section 4.

"(10) 'Oppressive child labor' means a condition of employment under which (A) any employee (as defined in this act to exclude employees in agriculture) under the age of 16 years is employed by an employer (other than a parent or a person standing in place of a parent) in any occupation, or (B) any such employee between the ages of 16 and 18 years is employed by an employer (other than a parent or a person standing in place of a parent) in any occupation which the Chief of the Children's Bureau in the Department of Labor shall from time to time by order declare to be particularly hazardous for the employment of such children or detrimental to their health or well-being; but oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file a certificate issued and held pursuant to the regulation of the Chief of the Children's Bureau certifying that such person is above the oppressive child-labor age. The Chief of the Children's Bureau shall provide by regulation or by order that the employment of employees under the age of 16 years in any occupation shall not be deemed to constitute oppressive child labor if and to the extent that the Chief of the Children's Bureau determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

"(11) 'Substandard labor condition' means a condition of employment under which (A) any employee is employed at an oppressive wage; or (B) any employee is employed for an oppressive workweek; or (C) oppressive child labor exists.

"(12) 'Fair labor standard' means a condition of employment under which (A) no employee is employed at an oppressive wage; or (B) no employee is employed for an oppressive workweek; or (C) no oppressive child labor exists.

"(13) 'Labor standard order' means an order of the Administrator under section 4, 6, or 8 of this act.

"(14) 'Goods' means goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but shall not mean goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof.

"(15) 'Unfair goods' means goods in the production of which employees have been employed in any occupation under any substandard labor condition, or any goods produced in whole or in part by convicts or prisoners except convicts or prisoners on parole or on probation or inmates of Federal penal or correctional institutions producing goods for the use of the United States Government.

"(16) 'Fair goods' means goods in the production of which no employees have been employed in any occupation under any substandard labor condition.

"(17) 'Produced' means produced, manufactured, mined, handled, or in any other manner worked on; and for the purposes of this act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any process or occupation necessary to the production thereof.

"(18) 'Sale' or 'sell' includes any sale, exchange, contract, to sell, consignment for sale, shipment for sale, or other disposition.

"(19) 'To a substantial extent' means not casually, sporadically, or accidentally, but as a settled or recurrent characteristic of the matter or occupation described, or of a portion thereof, which need not be a large or preponderant portion thereof.

"(20) The term 'person employed in agriculture' as used in this act, insofar as it shall refer to fresh fruits or vegetables, shall include persons employed within the area of production engaged in preparing, packing, or storing such fresh fruits or vegetables in their raw or natural state.

"(b) For the purposes of this act proof that any employee was employed under any substandard labor condition in any factory, mill, workshop, mine, quarry, or other place of employment where goods were produced, within 90 days prior to the removal of such goods therefrom (but not earlier than 120 days after the enactment of this act), shall be prima facie evidence that such goods were produced by such employee employed under such substandard labor condition.

"(c) All wage and hour regulations under the provisions of this act shall apply to workers without regard to sex.

"ADMINISTRATIVE AGENCY

"SEC. 3. (a) There is hereby created in the Department of Labor a Wage and Hour Division which shall be under the direction of an Administrator, to be known as the Administrator of the Wage and Hour Division (hereinafter referred to as the Administrator). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $10,000 a year. The Administrator is authorized to administer all the provisions of this act except as otherwise specifically provided and his determinations and labor-standard orders shall not be subject to review by any other person or agency in the executive branch of the Government.

"(b) The Administrator and the Chief of the Children's Bureau, under plans developed with the consent and cooperation of the State agencies charged with the administration of State labor laws, may utilize the services of State and local agencies, officers, and employees administering such laws and notwithstanding any other provisions of law may reimburse such State and local agencies, officers, and employees for their services when performed for such purposes.

"(c) The Administrator may, subject to the civil-service laws, appoint such employees as he deems necessary to carry out the functions and duties of the Administrator and shall fix their salaries in accordance with the Classification Act of 1923, as amended. The Administrator may establish and utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. In all litigation the Administrator shall be represented by the Attorney General or by such attorney or attorneys as he may designate. In the appointment, selection, classification, and promotion of officers and employees of the Administrator, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency.

"(d) The principal office of the Administrator shall be in the District of Columbia but he may exercise any or all of his powers in any other place.

"(e) The Administrator shall submit annually in January a report to the Congress covering the work of the Administrator for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this act as he may find advisable.

"PART II—ESTABLISHMENT OF FAIR LABOR STANDARDS

"MINIMUM-WAGE AND MAXIMUM-HOUR STANDARDS

"SEC. 4. (a) Whereas wages paid in interstate industries vary greatly between industries and throughout the Nation, reaching as low as $5 or less per week; and

"Whereas hours of labor in interstate industries also vary greatly between industries and throughout the Nation, reaching as high as 84 hours per week; and

"Whereas such wide variations create unfair competition for employers who wish to pay decent wages and maintain decent working hours; and

"Whereas the workers who receive the lowest wages and work the longest hours have been and now are unable to obtain a living wage or decent working hours by individual or collective bargaining with their employers; and

"Whereas it is necessary for the development of American commerce and the protection of American workers and their families that substandard wages and hours be eliminated from interstate industry and business; but

"Whereas it is impossible to achieve such results arbitrarily by an abrupt change so drastic that it might do serious injury to American industry and American workers, and it is therefore necessary to achieve such results cautiously, carefully, and without disturbance and dislocation of business and industry: Now, therefore,

"It is declared to be the policy of this act to establish minimum-wage and maximum-hour standards, at levels consistent with health, efficiency, and general well-being of workers and the profitable operation of American business so far as and as rapidly as is economically feasible, and without interfering with, impeding, or diminishing in any way the right of employees to bargain collectively in order to obtain a wage in excess of the applicable minimum under this act or to obtain a shorter workday or workweek than the applicable maximum under this act.

"(b) Having regard to such policy and upon a finding that a substantial number of employees in any occupation are employed at wages and hours inconsistent with the minimum standard of

living necessary for health, efficiency, and general well-being, the Administrator shall appoint a wage and hour committee to consider and recommend a minimum-wage rate or a maximum workday and workweek, or both, as the case may be, for employees in such occupation which shall be as nearly adequate as is economically feasible to maintain such minimum standard of living: *Provided, however,* That no such committees shall be appointed with respect to occupations in which no employee receives less than 40 cents per hour or works more than 40 hours per week.

"(c) Such committee shall be composed of an equal number of persons representing the employers and the employees in such occupation, and of not more than three disinterested persons representing the public, one of whom shall be designated as chairman. Persons representing the employers and employees shall be selected so far as practicable from nominations submitted by employers and employees, or organizations thereof, having due regard to the geographic regions which may be concerned, in such occupation. Two-thirds of the members of such wage and hour committee shall constitute a quorum, and the recommendations of such committee shall require a vote of not less than a majority of all its members. Members of a wage and hour committee shall be entitled to reasonable compensation to be fixed by the Administrator for each day actually spent in the work of the committee in addition to their reasonable and necessary traveling and other expenses and shall be supplied with adequate stenographic, clerical, and other assistance.

"(d) The Administrator shall submit to such a committee promptly upon its appointment such data as the Administrator may have available on the matter referred to it, and shall cause to be brought before the wage and hour committee any witnesses whom the Administrator deems material. A wage and hour committee may summon other witnesses or call upon the Administrator to furnish additional information to aid in its deliberations.

"(e) In recommending a minimum wage, a committee shall consider among other relevant circumstances the following: (1) The cost of living; (2) the wages paid by employers in the occupation to be covered by the order establishing such minimum wage who voluntarily maintain reasonable minimum wage standards; (3) the wages established in similar occupations through collective labor agreements negotiated between employers and employees by representatives of their own choosing; (4) local economic conditions; (5) the relative cost of transporting goods from points of production to consuming markets; (6) the reasonable value of the service rendered; and (7) differences in unit costs of manufacturing occasioned by varying local natural resources, operating conditions, or other factors entering into the cost of production.

"(f) In recommending a maximum workday and a maximum workweek, a committee shall consider among other relevant circumstances the following: (1) The hours of employment observed by employers in the occupation to be covered by the order establishing such maximum workday and workweek, who voluntarily maintain a reasonable maximum workday and workweek; (2) the hours of employment established in similar occupations through collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the number of persons seeking employment in the occupation to be subject to the order establishing such maximum workday and workweek.

"(g) A committee's jurisdiction to recommend labor standards shall not include the power to recommend minimum wages in excess of 40 cents per hour or a maximum workweek of less than 40 hours, but higher minimum wages and a shorter maximum workweek fixed by collective bargaining or otherwise shall be encouraged; it being the objective of this act to raise the existing wages in the lower wage groups so as to attain as rapidly as practicable a minimum wage of 40 cents per hour without curtailing opportunities for employment and without disturbance and dislocation of business and industry, and a maximum workweek of 40 hours without curtailing earning power and without reducing production.

"(h) Unless the Administrator finds that the standards recommended by a wage and hour committee have been made without due consideration of the factors enumerated in this section, he shall set down for public hearing pursuant to section 10 a proposed order containing such standards together with such regulations and conditions as he may deem necessary and incidental thereto pursuant to sections 6 and 9. If after such hearing the Administrator finds that the proposed standards, so far as is economically feasible, are at levels consistent with the health, efficiency, and general well-being of workers, he shall so declare, and shall issue a labor-standard order applying such standards, regulations, and conditions to the occupation involved pursuant to the procedure hereinafter provided.

"(i) If the recommendations of a committee are not submitted in such time as the Administrator may prescribe as reasonable, the Administrator may appoint a new committee. If the Administrator before or after hearing rejects the recommendations of a wage and hour committee, either in whole or in part, he shall resubmit the matter to the same committee or to a new committee, whichever he deems proper.

"(j) The provisions of this act with respect to maximum workdays or maximum workweeks shall not apply to employees engaged in processing or packing perishable agricultural products during the harvesting season; or to any person employed in connection with the ginning, compressing, and storing of cotton or with the processing of cottonseed; the canning or other packing or packaging of fish, sea foods, sponges, or picking, canning, or processing of fruits or vegetables, or the processing of beets, cane, and maple into sugar and sirup, when the services of such person are of a seasonal nature; or to employees employed in a plant located in dairy production areas in which milk, cream, or butterfat are received, processed, shipped, or manufactured, if operated by a cooperative association as defined in section 15, as amended, or the Agricultural Marketing Act.

"COLLECTIVE-BARGAINING AGREEMENTS PROTECTED

"SEC. 5. (a) Nothing in this act or in any regulation or order thereunder shall be construed to interfere with, impede, or diminish in any way the right of employees to bargain collectively or otherwise to engage in any concerted activity allowed by law in order to obtain a wage in excess of the applicable minimum under this act or to obtain a shorter workweek than the maximum workweek under this act or otherwise to obtain benefits or advantages for employees not required by this act, and a minimum wage so sought or obtained shall not be construed or deemed to be illegal or unfair because it is in excess of the minimum wage under this act, and a maximum workweek so sought or obtained shall not be construed or deemed to be illegal or unfair because it is shorter than the maximum workweek under this act.

"(b) A labor-standard order establishing minimum wages or a maximum workweek for any occupation shall be made only if the Administrator finds that collective-bargaining agreements in respect to such minimum wages or maximum hours do not cover a substantial portion of the employees in such occupation, or that existing facilities for collective bargaining in such occupation are inadequate or ineffective to accomplish the purposes of this act.

"(c) A labor-standard order covering any occupation shall not establish for any locality in which such occupation is carried on a minimum wage which is lower or a maximum workweek which is longer than the minimum wage or maximum workweek prevailing for like work done under substantially like conditions in such occupation in such locality, unless the minimum wage established by such order is the highest wage or the maximum workweek is the shortest workweek that the Administrator is authorized to establish under this act.

"(d) The minimum wages and maximum workweek established by collective-bargaining agreements in any occupation shall be prima facie evidence of the appropriate minimum wage and maximum workweek to be established by the Administrator for like work done under substantially like conditions.

"EXEMPTIONS FROM LABOR STANDARDS WITH RESPECT TO WAGES AND HOURS

"SEC. 6. (a) Unless an applicable order of the Administrator under this act shall otherwise provide, the maintenance among employees of an oppressive workweek shall not be deemed to constitute a substandard labor condition if the employees so employed receive additional compensation for such overtime employment at the rate of one and one-half times the regular hourly wage rate at which such employees are employed. But the Administrator shall have power to make an order determining that such overtime employment in any occupation shall constitute a substandard labor condition if and to the extent the Administrator finds necessary or appropriate to prevent the circumvention of this act. Any such order may contain such terms and conditions relating to overtime employment, including the wage rates to be paid therefor and the maximum number of hours of employment in each day and the maximum number of days per week, as the Administrator shall consider necessary or appropriate in the occupation affected.

"(b) The Administrator shall provide by regulation or by order that the employment of employees in any occupation at a wage lower or for a workweek longer than the appropriate fair labor standard otherwise applicable to such occupation shall not be deemed to constitute a substandard labor condition if the Administrator finds that the special character or terms of the employment or the limited qualifications of the employees makes such employment justifiable and not inconsistent with the accomplishment of the purposes of such one or more provisions of this act. Such regulations or orders may provide for (1) the employment of learners, and of apprentices under special certificates as issued pursuant to regulations of the Department of Labor, at such wages lower than the applicable minimum wage and subject to such limitations as to time, number, proportion, and length of service as the Administrator shall prescribe; (2) the employment of persons whose earning capacity is impaired by age or physical or mental deficiency or injury, under special certificates to be issued by the Administrator, at such wages lower than the applicable wage and for such period as shall be fixed in such certificates; (3) deductions for board, lodging, and other facilities furnished by the employer if the nature of the work is such that the employer is obliged to furnish and the employee to accept such facilities; (4) overtime employment in periods of seasonal or peak activity or in maintenance, repair, or other emergency work and the wage rates to be paid for such overtime employment not exceeding the rate of time and one-half; and (5) suitable treatment of other cases or classes of cases which, because of the nature and character of the employment, justify special treatment.

"PART III—UNFAIR GOODS BARRED FROM INTERSTATE COMMERCE AND INTERSTATE COMMERCE PROTECTED FROM THE EFFECT OF SUBSTANDARD LABOR CONDITIONS

"PROHIBITED SHIPMENTS AND EMPLOYMENT CONDITIONS IN INTERSTATE COMMERCE AND PRODUCTION FOR INTERSTATE COMMERCE

"SEC. 7. It shall be unlawful for any person, directly or indirectly—

"(1) to transport or cause to be transported in interstate commerce, or to aid or assist in transporting, or obtaining transportation in interstate commerce for, or to ship or deliver or sell in interstate commerce, or to ship or deliver or sell with knowledge that shipment or delivery or sale thereof in interstate commerce is intended, any unfair goods; or

"(2) to employ under any substandard labor conditions any employee engaged in interstate commerce or in the production of goods intended for transportation or sale in violation of clause (1) of this section.

"PROTECTION OF INTERSTATE COMMERCE FROM EFFECT OF SUBSTANDARD LABOR CONDITIONS

"SEC. 8. (a) Whenever the Administrator shall determine that any substandard labor condition exists in the production of goods in one State and that such goods compete to a substantial extent in that State with other goods produced in another State and sold or transported in interstate commerce, in the production of which such substandard labor condition does not exist, the Administrator shall make an order requiring the elimination of such substandard labor condition and the maintenance of the appropriate fair labor standard in the production of goods which so compete.

"(b) It shall be unlawful for any person, directly or indirectly, to employ any employee in violation of any term or provision of an order of the Administrator made under this section.

"(c) The United States Tariff Commission (1) upon request of the President, or (2) upon resolution of either or both Houses of Congress, or (3) upon request of the Administrator, or (4) upon its own motion, or (5) when in the judgment of the Commission there is good and sufficient reason therefor, upon application of any interested party, shall investigate the differences resulting from the operation of this act in the costs of production of any domestic article and of any like or similar foreign article, with a view to determining whether or not an increase should be made in the duty upon such foreign article for the purpose of equalizing such differences.

"(d) All provisions of law applicable with respect to investigations under section 336 of the Tariff Act of 1930, as amended, including the provisions applicable to reports of the Commission and proclamations by the President, shall, insofar as they are not inconsistent with this section, be applicable in like manner with respect to investigations under this section. Nothing in subsection (c) or (d) of this section shall be construed as authorizing action in violation of any international obligation of the United States.

"PART IV—GENERAL ADMINISTRATIVE PROVISIONS

"LABOR-STANDARD ORDERS

"SEC. 9. A labor-standard order—

"(1) shall be made only after a hearing held pursuant to section 10;

"(2) shall take effect upon the publication thereof in the Federal Register or at such date thereafter as may be provided in the order;

"(3) shall define the occupation or occupations, the territorial limits within which such order shall operate, and the class, craft, or industrial unit or units to which such order relates;

"(4) subject to the provisions of this act, may classify employers, employees, and employments within the occupation to which such order relates according to localities, the population of the communities in which such employment occurs, the number of employees employed, the nature and volume of the goods produced, and such other differentiating circumstances as the Administrator finds necessary or appropriate to accomplish the purposes of such order, and may make appropriate provision for different classes of employers, employees, or employment; but it shall be the policy of the Administrator to avoid the adoption of any classification which effects an unreasonable discrimination against any person or locality or which adversely affects prevailing minimum wage or maximum workweek standards and to avoid unnecessary or excessive classifications and to exercise his powers of classification only to the extent necessary or appropriate to accomplish the essential purposes of the act;

"(5) in case of an order relating to wages, may contain such terms and conditions as the Administrator may consider necessary or appropriate to prevent the established minimum wage becoming the maximum wage; but it shall be the policy of the Administrator to establish such minimum-wage standards as will affect only those employees in need of legislative protection without interfering with the voluntary establishment of appropriate differentials and higher standards for other employees in the occupation to which such standards relate;

"(6) shall contain such terms and conditions (including the restriction or prohibition of industrial home work or of such other acts or practices) as the Administrator finds necessary to carry out the purposes of such order, to prevent the circumvention or evasion thereof, or to safeguard the fair labor standards therein esablished;

"(7) may modify, extend, or rescind at any time, in the light of the circumstances then prevailing, a labor-standard order previously made: *Provided*, That at least 90 days' notice from the date of the order must be given before any change is made effective if it increases wages or reduces hours.

"HEARINGS

"SEC. 10. A labor-standard order shall be made, modified, extended, or rescinded only after a hearing held pursuant to this section. Such hearing shall be held at such time and place as the Administrator shall prescribe, on the Administrator's own motion or on the complaint of any labor organization or any person having a bona fide interest (as defined by the Administrator), filed in accordance with such regulations as the Administrator shall prescribe, and showing reasonable cause why such hearing should be held. Such hearing shall be public and may be held before the Administrator, or any officer or employees of the Wage and Hour Division designated by him. Appropriate records of such hearing shall be kept. The Administrator shall not be bound by any technical rules of evidence or procedure.

"INVESTIGATIONS; TESTIMONY

"SEC. 11. (a) The Administrator, in his discretion, may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any occupation subject to this act, and may inspect such places and such records (and make such transcripts thereof) and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated or is about to violate any provision of this act or any labor-standard order, or to aid in the enforcement of the provisions of this act, in prescribing regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation concerning the matters to which this act relates.

"(b) For the purpose of any investigation or any other proceeding under this act, a wage and hour committee, the Administrator, or any officer or employee of the wage and hour division designated by him, is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, or other records of any employer deemed relevant or material to the inquiry. Witnesses appearing before the Administrator or any officer or employee designated by him, in obedience to subpenas of the Administrator, shall be entitled to such fees and mileage as the Administrator may by rules and regulations prescribe.

"(c) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Administrator, or the wage and hour committee, as the case may be, may invoke the aid of any court of the United States in the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, and other records. Such court may issue an order requiring such person to appear before the wage and hour committee, or before the Administrator or officer or employee designated by him, as the case may be, and to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

"(d) No person shall be excused from attending and testifying or from producing books, papers, correspondence, or other records and documents on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"ENFORCEMENT

"SEC. 12. Whenever it shall appear to the Administrator that any person is engaged or about to engage in any act or practice which constitutes or will constitute a violation of any provision of this act, or of any provision of any labor-standard order, he may in his discretion bring an action in the proper district court of the United States to enjoin such act of practice and to enforce compliance with this act or with such labor-standard order, and upon a proper showing a permanent or temporary injunction or decree or restraining order shall be granted without bond. The Administrator may transmit such evidence as may be available concerning such acts or practices to the Attorney General, who, in his discretion, may institute the appropriate criminal proceedings under this act.

"RECORD; LABELS

"SEC. 13. (a) Every employer subject to any provision of this act or of a labor-standard order shall make, keep, and preserve such records of the persons employed by him; and the wages, hours, and other conditions and practices of employment maintained by

him and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as the Administrator shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this act or the regulations or orders thereunder. Every employer subject to a labor-standard order shall keep a copy of such order posted in a conspicuous place in every room in which employees in any occupation subject to such order are employed, and a schedule of hours of employment on a form published by the Administrator shall contain the maximum number of hours each employee is to be employed during each day of the week with the total hours per week, the hours of commencing and stopping work, and the beginning and end of periods allotted for meals. If more than one schedule of hours is in operation at a particular place of employment, the posted schedule shall contain the names of the employees working on the different shifts and shall indicate the hours required for each employee or group of employees. The presence of any employee at the place of employment at any other hours than those stated in the schedule applying to him shall be deemed prima-facie evidence of violation of such order, unless such employee is receiving the overtime rate provided in section 6 (b). Employers shall be furnished copies of such orders and forms upon request without charge.

"(b) No person other than the producer shall be prosecuted for the transportation, shipment, delivery, or sale of unfair goods who has secured a representation in writing from the person by whom the goods transported, shipped, or delivered were produced resident in the United States to the effect that such goods were not produced in violation of any provision of this act. If such representation contains any false statement of a material fact the person furnishing the same shall be amenable to prosecution and to the penalties provided for the violation of the provisions of this act.

"POWERS OF THE SECRETARY OR LABOR AND OF THE CHILDREN'S BUREAU

"SEC. 14. (a) So far as practicable the Administrator shall utilize the Department of Labor for all the investigations and inspections necessary under section 11 (a). The Secretary of Labor shall have the powers enumerated therein in the conduct of such investigations and inspections and shall report the results thereof to the Administrator.

"(b) The Administrator shall utilize the Chief of the Children's Bureau in the Department of Labor or any of his authorized representatives for all investigations and inspections under section 11 with respect to the employment of minors and to bring all actions under section 12 to enjoin any act or practice which is unlawful by reason of the existence of oppressive child labor.

"REGULATIONS; ORDERS

"SEC. 15. The Administrator shall have authority from time to time to make, issue, amend, and rescind such regulations and such orders as he may deem necessary or appropriate to carry out the provisions of this act, including but not limited to regulations defining technical and trade terms used in this act. Among other things, the Administrator shall have authority, for the purposes of this act, to provide for the form and manner in which complaints may be filed and proceedings instituted for the establishment of fair labor standards; to prescribe the procedure to be followed at any hearing or other proceeding before the Administrator or any officer or employee designated by him, or wage and hour committee appointed by him. For the purpose of his regulations and orders, the Administrator may classify persons and matters within his jurisdiction and prescribe different requirements for different classes of persons or matters. The regulations and orders of the Administrator shall take effect upon the publication thereof in the Federal Register or at such later date as the Administrator shall direct. No provision of this act imposing any liability or disability shall apply to any act done or omitted in good faith in conformity with any regulation or order of the Administrator, notwithstanding that such regulation or order may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

"VALIDITY OF CONTRACTS

"SEC. 16 (a) Any provision of any contract, agreement, or understanding made in violation of any provision of this act or of a regulation or order thereunder shall be null and void.

"(b) Any contract, agreement, understanding, condition, stipulation, or provision binding any person to waive compliance with any provision of this act or with any regulation or order thereunder shall be null and void.

"REPARATION; RELEASE OF GOODS

"SEC. 17. (a) If any employee is paid by his employer a wage lower than the applicable minimum wage required to be paid by any provision of this act or of a labor-standard order, or required to be paid to make it lawful under this act for goods in the production of which such employee was employed to be shipped in interstate commerce or to compete with goods shipped in interstate commerce, such employee shall be entitled to receive as reparation from his employer the full amount of such minimum wage less the amount actually paid to him by the employer. If any employee is employed for more hours per week or per day than the maximum workweek or workday required to be maintained by any provision of this act or of a labor-standard order, he shall be entitled to receive as reparation from his employer additional compensation for the time that he was employed in excess of such maximum workweek or workday at the rate of 1½ times the agreed wage at which he was employed or the minimum wage, if any, for such time established by this act or by an applicable labor-standard order, whichever is higher, less the amount actually paid to him for such time by the employer.

"(b) Any employee entitled to reparation under this section may recover such reparation in a civil action together with costs and such reasonable attorney's fees as may be allowed by the court. Any such claim for reparation shall not be the subject of any voluntary assignment, except to the Administrator as herein provided. At the request or with the consent of any employee entitled to such reparation, the Administrator or an authorized regional representative of the Administrator may take an assignment of any claim of such employee under this section in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay costs and such reasonable attorney's fees as may be allowed by the court. Employees entitled to reparations from the same employer may bring a joint action to recover such reparations or, if separate actions are brought, such employees or the employer shall have the right to have such actions consolidated for trial.

"(c) The Administrator shall by order exempt any goods from the operation of any provision of this act prohibiting the sale or transportation of such goods in interstate commerce if the Administrator finds that every person having a substantial proprietary interest (as defined by the Administrator) in such goods had no reason to believe that any substandard labor condition existed in the production of such goods or that such exemption is necessary to prevent undue hardship or economic waste and is not detrimental to the public interest. Any order of the Administrator under this subsection shall contain such terms and conditions as the Administrator considers necessary or appropriate in order to safeguard the enforcement and prevent the circumvention of this act. In the case of goods produced under any substandard labor condition relating to wages or hours of employment maintained by any employer having a substantial proprietary interest (as defined by the Administrator) in such goods, no such order shall be granted unless it is established to the satisfaction of the Administrator that adequate provision has been made for the payment, to every employee employed by him in the production of such goods under any such substandard labor condition, of the reparation to which such employee is entitled under this section on account of such employment.

"RELATION TO OTHER LAWS

"SEC. 18. No provision of this act or of any regulation or order thereunder shall justify noncompliance with any Federal or State law or municipal ordinance establishing a minimum wage higher than a minimum wage established under this act or a maximum workweek lower than a maximum workweek established under this act, or otherwise regulating the conditions of employment in any occupation and not in conflict with a provision of this act or a regulation or order thereunder.

"COMMON CARRIERS NOT LIABLE

"SEC. 19. No provision of this act shall impose any liability or penalty upon any common carrier for the transportation in interstate commerce in the regular course of its business of any goods not produced by such common carrier, and no provision of this act shall excuse any common carrier from its obligations to accept any goods for transportation.

"COURT REVIEW OF ORDERS

"SEC. 20. (a) Any person aggrieved by an order of the Administrator under this act may obtain a review of such order in the circuit court of appeals of the United States for any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia by filing in such court, within 60 days after the entry of such order, a written petition praying that the order of the Administrator be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Administrator, and thereupon the Administrator shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part. The review by the court shall be limited to questions of law, and findings of fact by the Administrator when supported by evidence shall be conclusive unless it shall appear that the findings of the Administrator are arbitrary or capricious. No objection to the order of the Administrator shall be considered by the court unless such objection shall have been urged before the Administrator or unless there were reasonable grounds for failure so to do. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceeding and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence to be taken before the Administrator and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Administrator may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, which if supported by evidence shall be conclusive, and his recommendation, if any, for the modifications or setting aside of the original order. The judgment and decree of the court shall be final, sub-

ject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

"(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of a labor-standard order relating to wages or hours unless stay of a labor standard order relating to wages or hours unless the person complaining of such order shall file in court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees subject to the order of the reparation to which they would be entitled under section 17 in the event that the order should be upheld.

"JURISDICTION OF OFFENSES AND SUITS

"SEC. 21. The district courts of the United States shall have jurisdiction of violations of this act or the regulations or orders thereunder, and, concurrently with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this act or the regulations or orders thereunder. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation or an element thereof occurred. Any suit or action to enforce any liability or duty created by, or to enjoin any violation of, this act, or regulations or orders thereunder, may be brought in any such district or in the district wherein the defendant is an inhabitant or transacts business, and process in such cases may be served in any district in which the defendant is an inhabitant or transacts business or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 225 and 347), and section 7, as amended, of the act entitled "An act to establish a Court of Appeals for the District of Columbia", approved February 9, 1893 (D. C. Code, title 18, sec. 26). No costs shall be assessed against the Administrator in any proceeding under this act brought by or against the Administrator in any court.

"PENALTIES

"SEC. 22. (a) Any person who willfully performs or aids or abets in the performance of any act declared to be unlawful by any provision of this act or who willfully fails or omits to perform any act, duty, or obligation required by this act to be performed by him shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than $500 or imprisoned for not more than 6 months, or both. Where the employment of an employee in violation of any provision of this act or of a labor-standard order is unlawful, each employee so employed in violation of such provision shall constitute a separate offense. No person shall be imprisoned under this subsection except for an offense committed after the conviction of such person for a prior violation of this subsection.

"(b) Any person who willfully makes any statement or entry in any application, report, or record filed or kept pursuant to the provisions of this act or any regulation or order thereunder, knowing such statement or entry to be false in any material respect shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than $500 or imprisoned for not more than 6 months, or both.

"(c) Any employer who willfully discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any investigation or proceeding under or related to this act, or has testified or is about to testify in any such investigation or proceeding, or has served or is about to serve on an advisory committee, or because such employer believes that such employee has done or may do any of said acts, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

"(d) Any person who, without just cause, shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, or other records, if in his or its power so to do, in obedience to a subpena issued pursuant to this act, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than $500 or to imprisonment for not more than 6 months, or both.

"(e) No producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce any goods produced in an establishment situated in the United States in or about which within 30 days prior to the removal of such goods therefrom any oppressive child labor has been employed: *Provided*, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any goods under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such goods before the beginning of said prosecution.

"SEPARABILITY

"SEC. 23. If any provision of this act or of any regulation or order thereunder or the application of such provision to any person or circumstances shall be held invalid, the remainder of the act and the application of such provision of this act or of such regulation or order to persons or circumstances other than those as to which it is held invalid shall not be affected thereby. Without limiting the generality of the foregoing, if any provision of this act or any regulation or order thereunder shall be held invalid insofar as it gives any effect to any substandard labor condition or requires the maintenance of any fair-labor standard on the part of any person or in any circumstances, the application of such provision of this act or of such regulation or order shall not be affected thereby insofar as it gives any effect to any other substandard labor condition or requires the maintenance of any other fair labor standard on the part of the same person or in the same circumstances, or insofar as it gives any effect to the same substandard labor condition or requires the maintenance of the same fair labor standard on the part of any other person or in any other circumstances.

"EFFECTIVE DATE OF ACT

"SEC. 24. This act shall take effect immediately, except that no provision requiring the maintenance of any fair labor standard or giving any effect to any substandard labor condition shall take effect until the one hundred and twentieth day after the enactment of this act, and no labor-standard order shall be effective prior to that day."

Mrs. NORTON (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. LAMNECK and Mr. SNELL objected.

Mr. MICHENER (interrupting the reading of the amendment). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MICHENER. Mr. Chairman, the substitute resolution was declared out of order for the reason suggested by the gentleman from Tennessee [Mr. COOPER]. A point of order to another part of the same substitute was made by the gentleman from New York [Mr. SNELL]. The Chair did not rule on this point of order. The parliamentary inquiry, therefore, Mr. Chairman, is this: We must now start to read the entire substitute, which is the substitute that has once been read, minus the part held out of order by the Chair. When the Clerk has finished the reading we shall then again go through the procedure by the gentleman from New York renewing his point of order, and it will then become the duty of the Chair to rule upon the point of order. Can we not have a ruling on the Snell point of order now without this additional delay?

The CHAIRMAN. The Chair has no official knowledge of what is in the amendment, although we all personally have knowledge that the pending amendment is the same as the substitute with the exception of the objectionable tariff features, which are eliminated, the Chair assumes. Under the rules of the House, reading of the amendment is in order unless unanimous consent is given to dispense with its further reading. Unless this be done the amendment must be read. It is within the control of the committee to bring this matter to an immediate head by giving unanimous consent to dispense with further reading of the amendment. This, however, is a matter over which the Chair has no control.

Mr. DUNN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania will state his parliamentary inquiry; but the Chair will not entertain further parliamentary inquiries until the reading of the amendment has been completed.

Mr. DUNN. Mr. Chairman, would it be in order for the chairman of the Committee on Labor to withdraw her amendment so we may proceed with the bill?

The CHAIRMAN. That may be done only by unanimous consent.

The Clerk will read.

The Clerk continued reading of the amendment.

Mr. PEARSON (interrupting the reading of the amendment). I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. THOMAS of New Jersey. Mr. Chairman, I object.

The Clerk continued the reading of the amendment.

Mr. MOTT (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with.

The CHAIRMAN (Mr. MCGRANERY). Is there objection to the request of the gentleman from Oregon?

Mr. CHURCH. Mr. Chairman, I object.

The Clerk concluded the reading of the amendment.

Mr. SNELL. Mr. Chairman, I desire to renew the point of order I made earlier in the afternoon against the committee amendment on the ground of germaneness. I am not going to take the time of the House to go over the argument I made before or point to the various precedents and decisions made by former chairmen.

I call the attention of the Chair very briefly to one matter. The original Senate bill, 2475, has for a title the following:

To provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes.

The title of the amendment offered by the committee is exactly the same as the title of the original Senate bill. In other words, the intent and purpose of each bill is exactly the same, but as set up in the very first paragraph in the first section of the Senate bill, it proposes to accomplish this end by setting up an independent board consisting of five members with certain specific qualifications, and there is also the proposition to give them certain authority to do certain things.

The committee amendment, offered by the chairman of the Labor Committee, tries to accomplish the same end, but does so in an entirely different method. It sets up a Wages and Hours Division under the Department of Labor to be headed by one man, and the authority given to that one man is entirely different from the authority given to the board set up in the original bill. In other words, it is distinctly a new method which was never mentioned in the original Senate bill.

There is nothing about wages and hours in the title or the objects of the Senate bill. I maintain, Mr. Chairman, without going over the complete argument I made earlier in the afternoon, that the method proposed by the amendment is entirely different from the method proposed by the original bill, therefore is not germane and should not be held to be germane at this time.

Mr. MARTIN of Colorado. Mr. Chairman, I desire to renew my point of order against the child-labor provision of the substitute bill offered by the gentlewoman from New Jersey, being paragraph 10, section 2, page 5 of the amendment. I will again call attention to the fact that while the Senate bill vested jurisdiction over the legislation in the Secretary and in the Department of Labor, the House committee amendment vests jurisdiction in the Chief of the Children's Bureau exclusively. That is, to the exclusion of both the Secretary and the Department of Labor.

Mr. CASE of South Dakota. Mr. Chairman, I should like to be heard further on the point of order raised by the gentleman from New York [Mr. SNELL].

The CHAIRMAN (Mr. MCCORMACK). The Chair will hear the gentleman later.

Mr. O'CONNOR of New York. Mr. Chairman, I would prefer that all of the proponents be heard now.

Mr. COX. Mr. Chairman, I make a point of order against the amendment upon the ground that the committee amendment contains matter not contained in the original bill. In this amendment, agriculture is brought under the jurisdiction of the administrative agency set up, whereas in the bill, agriculture is entirely excluded.

I make a further point of order against paragraph (j), section 6, of the amendment on the ground it is matter which was not approved by the committee reporting the bill.

The CHAIRMAN. What page?

Mr. COX. Page 16. I make the point of order against the amendment on the ground that the committee having jurisdiction of the bill has taken no formal action thereon.

Mr. CASE of South Dakota. Mr. Chairman, I would invite the attention of the Chair to the two methods proposed because they constitute a very material change in the scope of the bill.

The original Senate bill in section 3, on page 9, proposed to create a Labor Standards Board to be composed of five members to be appointed by the President by and with the consent of the Senate.

That draft of the bill set up a Labor Standards Board with judicial or, at least, quasi judicial functions. At least, it would have meant a regularly constituted governmental agency.

The amendment now offered proposes an Administrator in the Department of Labor, but the Administrator is directed to create wage and hour committees, industry by industry throughout the country. The determination of substandard labor conditions will then depend upon the findings of these wage and hour committees, which are not governmental agencies in the same sense. They clearly are not governmental agencies in the sense pointed out by the gentleman from Georgia [Mr. RAMSPECK], when he referred to the decision of the Supreme Court in the old N. R. A. case.

The wage and hour committees are not to be composed of a fixed number of impartial men, but the amendment says they—

Shall be composed of an equal number of persons representing the employers and the employees in such occupation, and of not more than three disinterested persons representing the public, one of whom shall be designated as chairman.

This does not mean a standard; it means a chaos of standards.

In one industry this wage and hour committee may be composed of 103 members—50 employers, 50 employees, and 3 members representing the public. In another industry the committee may be composed of nine members, with equal representation of all parties. The inevitable result will be that these committees determining substandard conditions will not be impartial fact-finding bodies, such as proposed in the original bill, but will be bodies of partisans contesting for the interests of the persons on the committees.

We will not have governmental determination of substandard conditions, as contemplated by the original proposal, but will have self-serving, barter-and-trade negotiations.

That is a vital difference in method, Mr. Chairman. One seeks to assess facts; the other will seek to assess prejudices and partisan interests. The difference is so great that when it is proposed to delegate legislative powers to these bodies we should remember the Supreme Court has said one is a constitutional delegation of power and the other is not.

This point is more clearly emphasized as you go through the bill and find the different things the two agencies are called upon to consider in making their findings. As you analyze these provisions you find they change not merely the scope but the purpose of the bill. The change in method changes the objective.

I submit that the point of order raised by the gentleman from New York [Mr. SNELL], namely, that the amendment is not germane because it changes the scope of the bill by vastly changing the method and, in fact, the purpose and effect of the bill, should be sustained.

Mr. O'CONNOR of New York. Mr. Chairman, this is a very important parliamentary matter, in the opinion of many Members, because it goes to one of the fundamental rules of the House, rule XVI, relating to "germaneness." This rule as to "germaneness" when adopted early in the history of the Congress in 1790 was a new departure in parliamentary law and without any precedent. It has been interpreted countless times. Sometimes it has been strained, reflecting the particular attitude of the membership at that time, and sometimes it has reflected the attitude of the then presiding officer.

The argument I shall make will be directed at the point of order made by the distinguished minority leader [Mr. SNELL], the point of order made by the distinguished gentleman from Colorado [Mr. MARTIN], and the point of order made by the distinguished gentleman from South Dakota [Mr. CASE] all going to the same point.

With regard to the point of order made by the gentleman from South Dakota, I believe he has directed his argument more against the merits of the proposal than against the parliamentary procedure.

As to the point of order made by the distinguished gentleman from Georgia [Mr. Cox], as I understood his first point it was that the committee amendment contains new matter not in the original bill. Of course, I hope all committee amendments do have something new in them and add something to the bill. If not, they should never be offered.

The second point made by the distinguished gentleman from Georgia [Mr. Cox] was that one particular feature of the bill had not been approved by the House Labor Committee. Of course, that is a question of fact, and I am informed by several committee members that it was approved by a vote of 11 to 6 or 9 to 6. If that is correct, that particular point of order falls.

The distinguished gentleman from New York [Mr. SNELL] the minority leader, has admitted in his second argument on his point of order the crux of this question, when he states that the "intent and purpose of these two bills is the same." This is the whole issue here.

The gentleman has referred to the titles of the two bills. Of course, it is well held in parliamentary procedure, as announced in section 2916 of Hinds' Precedents, that the title of a bill is of no influence whatever in deciding what is in the bill.

In his first argument the gentleman from New York [Mr. SNELL] referred to subtitles and pointed out that the subtitle of the Senate bill referred to a Labor Standards Board while the subtitle of the committee amendment referred to a Wage and Hour Division of the Department of Labor. If they are important, they are not so unrelated as to affect the question under consideration. Furthermore, they are merely titles.

What subject are we considering here? How would anybody briefly describe it in a few words? He or she would say we are taking up the subject of wages and hours. Minimum wages and maximum hours are what we are discussing, and this is the issue in every one of at least a half dozen bills which have been introduced in the House.

The point of order of the distinguished minority leader [Mr. SNELL], however, is directed toward the method by which we shall approach this goal, to do something about minimum wages and maximum hours. The point I make is that the subject matter of the bill being wages and hours, this amendment offered by the lady from New Jersey is in the nature of a substitute. It also deals with wages and hours. Any other amendments which may be offered hereafter dealing with this subject, is germane irrespective of the particular method proposed to be adopted to reach the ultimate objective.

As far as I know, I have examined every single, solitary precedent in Hinds and Cannon and in other works, and I have not found one precedent which would sustain the point of order made by the distinguished minority leader. Every one of the precedents cited by the gentleman from New York can be distinguished from the question in point, because this is a new proposal.

Congress and the Government are engaged in a new venture, you may call it, in legislation. There is nothing on the statute books today in reference to "minimum wages and maximum hours." We are not amending any existing law. We are not giving any new powers to any existing agency of the Government. We are starting on an entirely new venture, an attempt to do something about wages and hours in industry.

As everybody knows, the amendment offered by the distinguished gentlewoman from New Jersey [Mrs. NORTON], in the nature of a substitute, is offered as a new, complete, clean bill, as it has been called, for the purpose of avoiding confusion as far as possible. The Senate bill went to the House Committee on Labor, which first reported some 60 amendments to the Senate bill. Then the House Labor Committee reported other amendments, and then finally decided to bring in a clean copy of the bill, including all of the House committee amendments, and to offer that as a substitute, treating it as one new bill. All the amendments included in this committee substitute, except one, are practically minor perfecting amendments, about which there can be little complaint, and possibly no point of order.

The issue all comes down to the question of the method of administration of the act. The issue devolves as to section 3 of the original bill and section 3 of the amendment offered by the distinguished gentlewoman from New Jersey [Mrs. NORTON]. Section 3 of the original bill was entitled "Labor Standards Board." Section 3 of the new bill is entitled "Administrative Agency." Section 3 of the Senate bill, the original bill, provided for the setting up of a board of five members, and the section had five or six subsections relating to the place of office, the appointment of employees, the making of reports, and other minor matters. Section 3 of the House Labor Committee amendment is the same, except that it provides for the appointment of an administrator in the Department of Labor rather than a board of five members. Outside of this one detail, both sections are substantially the same.

Now, no one can say that whether or not we put the administration of this act in the Labor Department or in a board of five, or in some other agency, or in no agency, is the outstanding feature of this bill. The outstanding feature is the proposal to do something about minimum wages and maximum hours, and there is no one who can now dispute that point. How we shall do it is another question.

I wish to call to the attention of the Chair an authority directly in point, in my opinion. I have seen no authorities to the contrary. They all point in the direction which I am arguing, but this authority is directly on the point and should be conclusive.

In Cannon's Precedents, volume 8, at section 3056, the headline is:

> To a proposition to accomplish a certain purpose by one method a proposition to achieve the same purpose by another closely related method is germane.
>
> To a bill proposing the adjudication of claims arising out of informal contracts with the Government through the agency of the Secretary of War, an amendment proposing to adjudicate such claims through the agency of a commission appointed for that purpose was held to be germane.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. O'CONNOR of New York. I gladly yield to the distinguished minority leader.

Mr. SNELL. The gentleman has just read a precedent which states that where one method is closely related to the other, it is germane, but it does not say that a method that is entirely new in every single step of its procedure is germane; and the method presented by the committee amendment is new from top to bottom with not a word or a single action similar to the old one.

Mr. O'CONNOR of New York. The precedent to which I have just called attention is just the reverse of the situation we have here today. Here the first suggestion made was as to a board, and the change is to a department of the Government, the Labor Department. In the precedent I have cited, it was first the Secretary of War who was charged with the duty, and then that was changed to a commission or a board, in effect. There is no difference in principle between the precedent and the present time.

Mr. SNELL. The gentleman has omitted one step. One is a separate, independent board not connected with any executive department and the other sets up a bureau under an executive department.

Mr. O'CONNOR of New York. I have been trying to tell the distinguished gentleman that the precedent I have just read is just the reverse of the present issue, but on all fours to our problem. It changed the administrative agency from the executive branch of the Government, the Secretary of War, to a board, whereas we have the reverse situation before us now. The precedent is exactly in point.

Let me read on. When this question arose in the Committee of the Whole House on the state of the Union on January 9, 1919, Mr. Charles R. Crisp, of Georgia, one of the

greatest parliamentarians of Congress, was presiding as Chairman of the Committee of the Whole House on the state of the Union. The point of order was made by another great parliamentarian, Mr. Finis J. Garrett, of Tennessee, later Democratic minority leader of the House. Chairman Crisp said, in part, as follows:

> The bill before the House provides that the Secretary of War *or any of* his agents or representatives can adjust and settle these differences. The amendment of the gentleman from Pennsylvania [Mr. J. Hampton Moore] provides a different method or a different agent or a different tribunal to settle these differences. The Chair believes that it is germane to the bill before the House. The Chair does not believe the House is confined to the particular method of settlement of these claims that the Committee reports. The Chair believes the amendment is germane proposing another vehicle, and it is for the House to determine which shall be adopted.

In view of this precedent, supported by all the other precedents, and especially in view, Mr. Chairman, of the fact that the prime, outstanding purpose of this bill is to meet the situation as to "minimum wages and maximum hours," I contend that the points of order in reference to this matter including the child-labor amendment, which is in the same category, are not well taken and the points of order should be overruled.

Mr. COX and Mr. MICHENER rose.

Mr. COX. Mr. Chairman, may I be heard to say just a word on a point of order I raised? This amendment contains matter that is entirely foreign to anything contained in the bill that the Committee had before it. The amendment is the product of the chairman of the Labor Committee, who was acting under blanket authority given by the committee to report a clean bill.

Mr. SABATH. I object to that, Mr. Chairman.

Mrs. NORTON. Mr. Chairman, I object.

Mr. COX. The point is just this: That the committee has taken no formal action approving the pending amendment.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Michigan.

Mr. MICHENER. Mr. Chairman, anything I may say shall be in answer to what has just been said by the gentleman from New York [Mr. O'CONNOR].

In beginning I may say that parliamentary procedure in this House is based upon precedents.

Point 1: The last precedent deciding a given matter is the precedent—the same as in court—that should be, and is, followed by the House. I think we are all agreed on this.

Point 2: The gentleman from New York has made exactly the same argument that was made here when the Farm Board bill was before the House a number of years ago and when an attempt was made to offer a substitute to bring about exactly the same objective, only by a different method. The objective was the same, but a different method was pursued to reach the goal.

The gentleman from New York [Mr. O'CONNOR] has called attention to the fact that we are dealing with a new matter, that this bill does not amend anything, and, therefore, even though we do pursue a different course in the substitute than in the original bill, that nevertheless the substitute is germane. I call the attention of the Chair to the last decision made on this very point within the last 10 days by the distinguished gentleman from North Carolina [Mr. WARREN] holding that a bill relating to agriculture, by attempting to relieve, to help, and to deal with the present condition of agriculture, was not in order because of the decisions which he there cited, and which the Chair has before it, which clearly demonstrates that if that decision is correct, then this substitute is out of order. The gentleman from North Carolina in a very clear and concise way reviewed the decisions heretofore dealing with this subject of germaneness so far as the question here involved is concerned. He called especial attention to the Mapes decision—in 1929, I think—which was the Farm Board decision, and referred to that as a decision in which all of the decisions previously made were taken into consideration, that coalition of decisions included the decision away back in 1919, made by Chairman Crisp, on which the chairman of the Committee on Rules now relies.

In concluding, all I have to say is that if the present chairman follows the parliamentary precedents reiterated by the gentleman from North Carolina in the farm bill ruling within the last 10 days, must hold that this substitute is not germane. It seems to me that to hold otherwise would be to change the established philosophy on which the rule of germaneness is based.

Mr. O'CONNOR of New York. Mr. Chairman, may I be heard on just one point raised by the distinguished gentleman from Michigan [Mr. MICHENER].

The CHAIRMAN. The Chair will hear the gentleman.

Mr. O'CONNOR of New York. In regard to the "Mapes" decision, about which the gentleman from Michigan [Mr. MICHENER] has had so much to say, that decision I have examined carefully, and I contend it is easily distinguished from the present question. That particular decision was made on April 24, 1929, and reported in section 2966 of Cannon's Precedents, volume 8. A bill was then pending before the House in the Committee of the Whole House on the state of the Union to establish a Farm Board for the merchandising of farm commodities. The distinguished gentleman from New York, Mr. Loring M. Black, Jr., offered an amendment to establish a "Federal Farm Beverage Board," to issue licenses for the sale of beer, wine, and so forth.

Not only was there proposed a different agency but to handle a different subject. It was an entirely different subject matter, changing from wheat, corn, oats, and so forth, to beer and wine. That is why the distinguished gentleman from Michigan [Mr. MAPES], then the presiding chairman, rules as he so ruled. That decision has no application whatever to the issue in point. Here we have the same subject involved, minimum wages and maximum hours. The only question is what agency shall administer it. That question of the administrative agency is secondary to the main purpose and objective of the bill and the substitutes submitted.

The goal at which we aim is that we do something about fair wages and reasonable hours. Who will execute our will is secondarily important.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from New York [Mr. SNELL] makes the point of order against the amendment, one of the reasons advanced being that the substitute provides for the setting up of a bureau as a division of the Department of Labor under an administrator, whereas the Senate bill provides for the establishment of a board. Also, that the method proposed by the amendment pending establishes a different one from that set forth in the Senate bill. Points of order raised by the gentleman from Colorado [Mr. MARTIN] and the gentleman from South Dakota [Mr. CASE] are involved in the point of order raised by the gentleman from New York, and in part the point of order raised by the gentleman from Georgia [Mr. Cox] is also involved, but in part it is not.

The Chair recognizes the seriousness of this question. The Chair is indebted to those who have presented their arguments on both sides. The Chair realizes that the matter of germaneness at times is one filled with great uncertainty. The Chair realizes that there is a twilight zone. The Chair also realizes that too narrow an interpretation of the rule might interfere with the conduct of the Committee of the Whole House or of the House in the proper consideration of a bill.

The Chair anticipated this particular point of order and has had an opportunity of giving consideration to the precedents interpreting the rule which prompted the point of order being raised. During the general debate on the pending Senate bill, the Chair was informed by a number of Members that certain amendments would be offered to it, some in the nature of a substitute and others in the nature of perfecting amendments thereto. The Chair has taken notice and has utilized its opportunity during the general debate to review the decisions on germaneness embodied in Hinds' and Cannon's Precedents of the House of Representatives. The Chair has also listened intently to the discussion of the point of order on the floor and has examined

the precedents cited by gentlemen on both sides of the question.

In deciding this question it may be appropriate to examine into the meaning of the word "germane" as it relates to parliamentary law. In this respect the Chair calls attention to a statement made in a decision on germaneness by Mr. Chairman Fitzgerald, of New York, on September 22, 1914, which is to be found in Cannon's Precedents, volume 8, section 2993. The Chair quotes from that decision:

> The meaning of the word "germane" is akin to, or near to, or appropriate to, or relevant to, and "germane" amendments must bear such relationship to the provisions of the bill as well as meet other tests; that is, that they be a natural and logical sequence to the subject matter, and propose such modifications as would naturally, properly, and reasonably be anticipated.

The Chair also calls attention to a decision made by Mr. Chairman Garrett, of Tennessee, September 19, 1918, section 2911 of volume VIII of Cannon's Precedents, wherein it was held generally that the rule providing that amendments must be germane was construed as requiring that the fundamental purposes of the amendment be germane to the fundamental purposes of the bill to which it is offered. The Senate bill pending before the Committee of the Whole at the present time provides generally for the establishment of fair labor standards in employments in and affecting interstate commerce. To accomplish that result the bill sets up a board, conferring upon that board certain specified powers; asserts that the declared policy of the act is to maintain minimum wage and maximum hours standards, fixing the limits to be achieved in the one case at a minimum wage of 40 cents per hour and in the other a maximum of 40 hours per week. Certain discretionary powers are lodged in the board and certain conditions and limitations are placed upon such discretion. It is a broad plan, attempting to achieve a definite result.

Coming more directly now to the immediate question presented to the Chair, involving the question of germaneness of the amendment offered by the lady from New Jersey to the Senate bill, the Chair finds that the amendment, of course, differs somewhat from the Senate bill. It necessarily follows that it would do so; otherwise it would not have been offered. The question for the Chair here is to ascertain whether it differs so widely in its details from the Senate bill to justify the Chair in holding it not germane. The Chair has listened attentively to the citations of precedents involving the question of germaneness of amendments to farm legislation which have occurred during the past 12 years. The Chair studiously examined those decisions prior to the time when the pending question presented itself, and the Chair believes that they can be distinguished from the instant question as well as from the decision referred to by the gentleman from Michigan in connection with the ruling made by the distinguished gentleman from North Carolina [Mr. WARREN] only several days ago.

It seems to the Chair that this entire question turns upon one point, and that is whether a new agency proposed by the amendment offered by the lady from New Jersey to administer the provisions of the pending bill is so different from the agency set up in the Senate bill to accomplish that purpose as to warrant the Chair holding the amendment not germane. It seems to the Chair that the other provisions in the pending bill involve solely a question of detail, and do not, in and of themselves, provide a great departure from the terms of the Senate bill. Therefore, it appears to the Chair that the point for him to determine is whether the change in agency to administer this act is so different as to make the amendment not germane.

Again referring to those decisions of germaneness made in the past, in the consideration of farm legislation, the Chair would distinguish them in this manner: The amendments in those cases, it seems to the Chair, were not ruled out on the ground that the substitution of a new governmental agency to administer the terms of the bill were not germane, but went, rather, to the authority of the new agency proposed to use a new and unrelated method in accomplishing that end. The Chair thinks that there is a decided difference between the substitution of a new agency to administer the law and the substitution of a new method of accomplishing a predetermined end.

The Chair happily finds, however, that it is not necessary for him to rely entirely upon his own opinion in reaching a conclusion on this question. The Chair has found, and the gentleman from New York has referred to a precedent involving a similar question. The Chair has found what he regards to be a direct and pointed decision on this matter.

The Chair has before him the following decision which the gentleman from New York has referred to, which may be found in Cannon's Precedents, volume 8, section 3056, wherein it was held that—

> To a bill proposing the adjudication of claims arising out of informal contracts with the Government, "through the agency of the Secretary of War," an amendment proposing to adjudicate such claims through the agency of a commission appointed for that purpose was held to be germane.

The Chair thinks that the decision by Mr. Chairman Crisp, of Georgia, is of sufficient importance that it should be read in its entirety. Mr. Chairman Crisp on that occasion said:

> The bill before the House has for its object the validating and settling of damages arising out of informal contracts made by the War Department. The bill before the House provides that the Secretary of War, or any of his agents or representatives, can adjust and settle these differences. The amendment of the gentleman from Pennsylvania provides a different method or a different agent or a different tribunal to settle these differences. The Chair believes it is germane to the bill before the House. The Chair does not believe the House is confined to the particular method of settlement of these claims that the committee reports. The Chair believes the amendment is germane, proposing another vehicle, and it is for the House to determine which shall be adopted.

For the reasons stated, Chairman Crisp overruled that point of order.

In conclusion, the Chair thinks that the fundamental purpose of the amendment proposed by the lady from New Jersey is germane to the fundamental purposes of the bill now before us. The Chair, relying more specifically upon the decision of Mr. Chairman Crisp, just quoted, thinks the amendment comes within the rule of germaneness, and overrules the points of order. [Applause.]

Dealing now with the point of order raised by the gentleman from Georgia, the Chair, in the limited time at the Chair's disposal, has examined the Senate bill, and the Chair is of opinion that the changes recommended in the amendment are within the purview of the provisions of the Senate bill, and for this reason overrules the point of order raised by the gentleman from Georgia.

Mr. MARTIN of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of Colorado. I observe the gentleman from California [Mr. DOCKWEILER] on his feet in an attempt, I assume, to present the Green amendment. My inquiry is whether we are going to be permitted to consider section by section the substitute offered by the gentlewoman from New Jersey, or whether these new substitute bills are first to be presented? Some Members are claiming on the floor of the House that if these other bills are permitted to be presented that there will not be any consideration of the pending substitute section by section.

The CHAIRMAN. The Chair, of course, has no control over that situation. All the Chair can do is to interpret the rules. Further answering the gentleman, the Chair advises him that the amendment offered by the gentlewoman from New Jersey is now being considered in its entirety.

Mr. MARTIN of Colorado. Mr. Chairman, I offer an amendment to section 2 of the substitute offered by the gentlewoman from New Jersey.

The CHAIRMAN. The Chair recognizes the gentlewoman from New Jersey for 5 minutes in support of her amendment.

Mrs. NORTON. Mr. Chairman, I merely ask unanimous consent that the amendment which I offered may be considered as an original bill for the purpose of amendment and read section by section.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

Mr. DOCKWEILER. Mr. Chairman, I object.

Mr. Chairman, I reserve my right to object until I can find out what the parliamentary situation will be if this request be granted by the House; whether or not after consideration of this substitute intervenes, other substitutes can be offered, or whether the action of the House on this amendment would preclude it.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. I yield.

Mr. O'CONNOR of New York. As I understand the request of the gentlewoman from New Jersey, it is that her amendment in the nature of a substitute be considered as an original bill for the purpose of amendment, which means——

Mr. DOCKWEILER. That it is to be read?

Mr. O'CONNOR of New York. It has already been read in its entirety. There is really no reason to read it again. Under the request submitted by the gentlewoman from New Jersey amendments would be offered to the sections in numerical order, amendments being first offered to section 1, then to section 2, and so on. The gentleman can move to amend section 1 and offer the substitute bill he has in mind.

Mr. DOCKWEILER. The gentleman means that I or any other Member would offer whatever substitute I or or they had in mind after the first section of the pending substitute is read?

Mr. O'CONNOR of New York. I do not understand that it is necessary again to read the substitute. To restate the proposition as I understand it, the substitute offered by the gentlewoman from New Jersey is now to be considered open to amendment in any section, amendments being offered first to the first section, then to the second section, and so on throughout the substitute. It would be in order for the gentleman to offer his substitute as an amendment to section 1.

Mr. DOCKWEILER. I would like to hear that from the Chair. Is that the case, Mr. Chairman? If I withdraw my objection, Mr. Chairman, will I stand in the position that nothing else has intervened, that no action the House may take can prevent my substitute from being considered?

The CHAIRMAN. The Chair appreciates the caution of the gentleman from California and admires him for it and will undertake to answer the parliamentary inquiry.

If the unanimous consent request of the gentlewoman from New Jersey is granted, the Chair understands that amendments will be offered section by section. Amendments will first be in order to section 1. The gentleman from California, if recognized by the Chair, or any other Member recognized——

Mr. DOCKWEILER. Mr. Chairman, I object.

The CHAIRMAN. Will the gentleman from California permit the Chair to complete the statement?

Mr. DOCKWEILER. The Chair has answered my question.

The CHAIRMAN. The Chair will complete the statement. Amendments first in order are those affecting section 1 of the substitute; and any gentleman recognized by the Chair may move to offer a substitute for the entire amendment by striking out section 1 and inserting a new text giving notice that he will strike out the remainder of the sections of the committee amendment if his amendment be adopted.

Mr. SNELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SNELL. Is it not a fact that if the request of the gentlewoman from New Jersey is granted that we shall have liberalized the consideration of this bill and that no one loses any rights by granting that request?

The CHAIRMAN. The Chair cannot, of course, answer that as a parliamentary inquiry; but it is the personal opinion of the Chair that that would be the result.

Is there objection to the request of the gentlewoman from New Jersey?

Mr. DOCKWEILER. Mr. Chairman, I withdraw my objection.

Mr. BOILEAU. Mr. Chairman, reserving the right to object, and I do so to propound a parliamentary inquiry as to the order in which amendments are to be offered. The amendment offered by the gentlewoman from New Jersey is now pending. Would not perfecting amendments have priority of consideration over a substitute amendment?

The CHAIRMAN. The Chair has no knowledge of what amendments may be offered; but ordinarily a perfecting amendment has precedence over a motion to substitute insofar as voting is concerned. If the unanimous-consent request is granted, it is the understanding of the Chair that amendments will be offered section by section.

Mr. BOILEAU. Nevertheless, it is the amendment offered by the gentlewoman from New Jersey that would be before the House.

The CHAIRMAN. That is before the Committee now.

Mr. BOILEAU. Would not perfecting amendments have priority over an amendment to substitute?

The CHAIRMAN. So far as voting is concerned, yes.

Mr. BOILEAU. I appreciate that fact, but may I propound a further parliamentary inquiry, whether or not a Member rising in his place and seeking recognition would not have a prior right to recognition for the purpose of offering a perfecting amendment to the amendment now pending?

The CHAIRMAN. It does not necessarily follow that such Member would have a prior right. Recognition is in the discretion of the Chair.

Mr. BOILEAU. I recognize it does not necessarily follow, but I am trying to have the matter clarified. Therefore I ask the Chair whether or not a Member who qualifies as offering a perfecting amendment does not have prior right of recognition in offering such amendment?

The CHAIRMAN. The Chair has tried to be as helpful as he could, but the Chair does not feel he should estop himself of his own discretion in the matter of recognitions.

Mr. BOILEAU. Does the Chair then rule that is within the discretion of the Chair rather than a right of the Member?

The CHAIRMAN. In answer to the gentleman's inquiry, the Chair is of the opinion it is within the province of the Chair whom the Chair will recognize, having in mind the general rules of the House.

Mr. SABATH. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey [Mrs. NORTON]?

Mr. DOCKWEILER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard, and the Chair recognizes the gentlewoman from New Jersey [Mrs. NORTON] for 5 minutes in support of her amendment.

Mrs. NORTON. Mr. Chairman, I made the unanimous-consent request for the purpose of helping a great many of the Members who seemed to desire it and who seemed to fear they would be precluded from the offering of amendments.

The discussion here today is very strange, it seems to me. May I say to the House that the chairman of the Labor Committee is not trying to put anything over on anybody and I want that distinctly understood. [Applause.] The only reason your committee considered changing the administration feature from the Senate bill was because a great many Members of the House came to me and stated they objected to another board. I thought they meant what they said, yet I hear the Members who came and asked me to change this administration feature now objecting to the very thing that we tried to do.

Mr. Chairman, may I say that we were perfectly willing to go along with the five-man board if the House wanted us to do so, but we of the Labor Committee felt we were doing the thing the Members of the House would like us to do.

In addition to that, I have received thousands of letters since I became chairman of the Committee on Labor object-

ing to so many boards and asking, "Why do you not put the administration of this law into the hands of the Labor Department where it belongs?" [Applause.] Therefore, acting on the suggestion of the Members of the House, and taking into consideration the great number of objections received through the mail, this matter was presented to the committee.

I heard a Member state here today, and I resent the statement, that this is a suggestion of the chairman of the Labor Committee entirely and that the Committee on Labor did not approve the action. I say, Mr. Chairman, that is absolutely untrue. Your committee approved this by a vote of 11 to 6, and I challenge anybody to dare say that the chairman of the Committee on Labor tried to put anything over on any member of the committee. [Applause.]

Mr. DUNN. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTON. I yield to the gentleman from Pennsylvania.

Mr. DUNN. I want to substantiate the statement made by the chairman of the Committee on Labor. She did not put over anything on anybody, because she came out on the floor and told the Members here that she was authorized by her committee to make a statement in order to get Members of the House to sign the petition. [Laughter.] So, Mr. Chairman, she was very successful in getting that petition signed and she did a "damned" good job. [Laughter.]

Mr. RANDOLPH. Will the gentlewoman yield?

Mrs. NORTON. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Mr. Chairman, I simply want to reaffirm what the gentlewoman from New Jersey [Mrs. NORTON], chairman of the Committee on Labor, stated, in that the matter offered here as a substitute amendment is not her own amendment but that of the Committee on Labor by a vote of 11 to 6, or 9 to 6. It was by a majority vote of the committee.

Mrs. NORTON. Mr. Chairman, I think we are wasting a lot of time here. Every Member of the House has gotten up here in the last couple of days of debate and said he approved the principles of the bill. If they mean that, they certainly are not showing any indication of it today. I do not believe any Member who is trying to prevent this bill from being discussed on the floor of the House believes in any part of the bill. May I say that this is a test of your sincerity as to whether or not you want to give relief to 12,000,000 men and women in this country who are now working under substandard labor conditions? That is the object of this bill. That is the thing we want to consider above everything else, and I beg all the Members to consider the bill on its merits without filibustering and using all kinds of tactics to delay its consideration.

[Here the gavel fell.]

Mr. GRISWOLD. Mr. Chairman, I offer a substitute to the Norton amendment.

Mr. LAMBERTSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAMBERTSON. I should like to ask the gentleman from Indiana [Mr. GRISWOLD] if this is known as the Green bill or the A. F. of L. bill?

The CHAIRMAN. The Chair has no knowledge of what the amendment may contain.

The Clerk will report the amendment.

The Clerk read as follows:

Mr. GRISWOLD offers the following amendment as a substitute: In lieu of the matter proposed by the pending amendment insert the following:

"That as used in this act unless the context otherwise requires—

"(1) 'Person' includes an individual, partnership, association, corporation, business trust, receiver, trustee, trustee in bankruptcy, or liquidating or reorganizing agent.

"(2) 'Interstate commerce' means trade, commerce, transportation, transmission, or communication among the several States, or into or from any State to any place outside thereof.

"(3) 'State' means any State of the United States or the District of Columbia or any Territory or possession of the United States.

"(4) 'Occupation' means an occupation, industry, trade, or business, or branch thereof or class of work or craft therein, in which persons are gainfully employed.

"(5) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision thereof, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

"(6) 'Employee' includes any individual employed or suffered or permitted to work by an employer, but shall not include any person employed in a bona fide executive, administrative, professional, or local retailing capacity or any person employed in the capacity of outside salesman, nor shall 'employees' include any person employed as a seaman, or any railroad employee subject to the provisions of the Hours of Service Act (U. S. C., title 45, ch. 3); or any employee of any common carrier by motor vehicle subject to the qualifications and maximum-hours-of-service provisions of the Motor Carrier Act, 1935 (U. S. C., title 49, ch. 8): *Provided, however,* That the wage provisions of this act shall apply; or any air-transport employee subject to the provisions of title II of the Railway Labor Act, approved April 10, 1936, or any person employed in the taking of fish, sea foods, or sponges; or any person employed in agriculture. As used in this act, the term 'agriculture' includes farming in all its branches, and among other things includes the cultivation and tillage of the soil, dairying, forestry, horticulture, market gardening, and the cultivation and growing of fruits, vegetables, nuts, nursery products, ferns, flowers, bulbs, livestock, bees, and poultry, and further includes the definition contained in subdivision (g) of section 15 of the Agricultural Marketing Act, approved June 15, 1929, as amended, or any other agricultural or horticultural commodity, and any practices performed by a farmer or on a farm as an incident to such farming operations, including delivery to market. Independent contractors and their employees engaged in transporting farm products from farm to market are not persons employed in agriculture. The term 'person employed in agriculture' as used in this act, insofar as it shall refer to fresh fruits or vegetables, shall include persons employed within the area of production engaged in preparing, packing, or storing such fresh fruits or vegetables in their raw or natural state: *Provided, however,* That nothing in this section shall exclude from the operation of section II of this act persons employed in forestry or in the taking of fish, sea food, or sponges, or in the tapping or chipping of pine trees for crude gum or the collection or handling of gum spirits of turpentine or gum rosin.

"(7) 'Emergency work' means any work necessary for the protection or preservation of life or health, for the prevention of damage to property, or for maintenance or repair of property or equipment, or made necessary in the due course and conduct of production and to avoid undue disruption of business.

"SEC. 2. It shall be unlawful to employ any person in any employment affecting interstate or foreign commerce at a wage less than 40 cents an hour, or at work in excess of 8 hours per day or more than 40 hours in any 1 week, or to employ any person under conditions of oppressive child labor as hereinafter defined: *Provided,* That in case of emergency the provisions of this act shall not apply during the period of such emergency: *Provided further,* That such employer affected file with the State labor commissioner or other proper State official designated by law a sworn statement as to the necessity for such action: *Provided further,* That such employer shall pay to his workers during such emergency wages of not less than time and one-half for work in excess of 8 hours per day or 40 hours in any 1 week.

"SEC. 3. Any person in any State or Territory or possession of the United States or the District of Columbia guilty of violation of any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $100 for each offense. The employment of each employee at a wage less than that fixed in this act, or for hours longer than those fixed in this act, unless excepted as provided in section 3, shall constitute a separate offense.

"SEC. 4. The district courts of the United States and possessions shall have jurisdiction of the violations of this act. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation or any element thereof occurred. The Attorney General of the United States may petition, in the district court having jurisdiction to issue, upon proper showing, a permanent injunction prohibiting further violations of this act by any defendant in any criminal proceeding. Any district court in the district wherein the defendant is an inhabitant or transacts business or where the violation of the act occurred has jurisdiction of said suits in equity. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Act as amended (U. S. C., title 28, secs. 225 and 347, and D. C. Act, title 18, sec. 26). It shall be the duty of each United States district attorney, to whom satisfactory evidence of any violation of this act has been presented, to cause appropriate proceedings to be commenced and prosecuted in the proper court in the United States for the enforcement of the foregoing penalties or any of them.

"SEC. 5. It shall be unlawful for any person to transport, offer to transport, or offer for transport in interstate commerce any goods in the production or processing of which any person so employed for longer hours per week or for less wages per hour or

under the age of 16 for hire as provided in section 2 hereof when applicable.

"SEC. 6. It shall be unlawful for any person to transport, offer to transport, or offer for transport, in interstate commerce, any goods in the production or processing of which convict, prison, forced, or indentured labor has entered.

"SEC. 7. The provisions of this act shall not supersede any State law or municipal ordinance establishing a minimum wage higher than the wage established by this act or maximum hours shorter than those established by this act.

"SEC. 8. Any employer under a collective-bargaining contract with the union of his employees affiliated with a recognized, bona fide national labor organization providing for higher minimum wages and shorter maximum hours shall be exempted from the provisions of this act as to the employees covered by such agreement and insofar as the agreement covers hours and wages.

"SEC. 9. All laws or parts of laws in conflict herewith are hereby repealed. Should any provision of this act be held unconstitutional by the Supreme Court of the United States, the other provisions shall not be affected by such decision.

"SEC. 10. This act shall become effective 90 days after the enactment thereof.

"SEC. 11. 'Oppressive child labor' means a condition of employment under which (A) any employee (as defined in this act to exclude employees in agriculture) under the age of 16 years is employed by an employer (other than a parent or a person standing in place of a parent) in any occupation, or (B) any such employee between the ages of 16 and 18 years is employed by an employer (other than a parent or a person standing in place of a parent) in any occupation which the Chief of the Children's Bureau in the Department of Labor shall from time to time by order declare to be particularly hazardous for the employment of such children or detrimental to their health or well-being; but oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file a certificate issued and held pursuant to the regulation of the Chief of the Children's Bureau certifying that such person is above the oppressive child-labor age. The Chief of the Children's Bureau shall provide by regulation or by order that the employment of employees under the age of 16 years in any occupation shall not be deemed to constitute oppressive child labor if and to the extent that the Chief of the Children's Bureau determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being."

Mr. SHANNON (interrupting the reading of the amendment). Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. SHANNON. For information. There is an inquiry all through the House to ascertain whether this is the Griswold or the Dockweiler bill.

The CHAIRMAN. The Chair asks the gentleman from Indiana [Mr. GRISWOLD] if this is the Dockweiler amendment or the Griswold amendment?

Mr. GRISWOLD. Mr. Chairman, this is the so-called Dockweiler amendment, which is the bill proposed by the American Federation of Labor.

The Clerk concluded the reading of the amendment.

Mr. RAMSPECK and Mr. LAMBERTSON rose.

Mr. RAMSPECK. Mr. Chairman, I make a point of order against the substitute.

The CHAIRMAN. The gentleman from Georgia will state his point of order.

Mr. RAMSPECK. Mr. Chairman, I make the point of order that this substitute for the amendment offered by the gentlewoman from New Jersey [Mrs. NORTON] is not germane to the amendment to which it is offered for the reason that it not only sets up a different procedure and a different agency but it is for a different purpose.

The pending amendment offered by the gentlewoman from New Jersey proposes to set up fair labor standards. It proposes not one wage scale or one hour limitation but different wage scales and different hour limitations to be arrived at by the procedure outlined in her amendment. The proposal offered by the gentleman from Indiana [Mr. GRISWOLD], on the contrary, is a penal statute solely and exclusively. It makes it unlawful for any person to employ anybody for more than 40 hours per week except for the exemptions named in the bill. It makes it unlawful to pay anybody less than 40 cents per hour and therefore it is for a different purpose which is to set up a single standard of wages and hours, whereas the amendment offered by the gentlewoman from New Jersey sets up plural standards and plural hours, to be administered by an administrative agency in the Department of Labor. This proposal would be administered by the officers enforcing the criminal laws of the United States and by the criminal divisions of the district courts of the United States, whereas the proposal of the gentlewoman from New Jersey is administered by an executive department and the amendment provides for a series of steps before reaching the maximum purpose.

I would like to call the Chair's attention to this language taken from the testimony of Assistant Attorney General Robert H. Jackson, who presented the legal phases of the bill as originally introduced, to the House and Senate committees, and it applies likewise to the purpose sought to be accomplished by the proposal now before the Committee of the Whole offered by the gentlewoman from New Jersey. Mr. Jackson said this:

> The bill recognizes the very practical exigencies which make it impossible to prescribe for all goods which enter into interstate commerce a single minimum fair-wage standard or a single maximum reasonable workweek standard. Even in the treatment of national problems there are geographic and industrial diversities which cannot be ignored. For that reason the bill makes a distinction between labor conditions which are clearly oppressive under any circumstances and labor conditions which may be found unreasonable under circumstances prevailing in particular industries or in particular geographic areas. As to labor conditions that are clearly oppressive, the regulatory provisions of the bill are largely automatic, but as to labor conditions which depend for their unreasonableness upon particular circumstances, the regulations become effective only after appropriate administrative findings and audits. The administration of these provisions is placed in a labor standards board of five members.

The only difference between Mr. Jackson's statement and the proposal of the gentlewoman from New Jersey is that instead of a board we have wage and hour committees appointed by an administrator, but the method provided is for consideration of economic factors, of the cost of living, of the cost of transportation, of wages paid for like work of comparable character in the community under investigation, and the unit cost of production, all of which are ignored in the substitute offered by the gentleman from Indiana, who proposes to set up a single rigid standard, which I submit to the Chair, under his own ruling a few moments ago on the point of order made by the gentleman from New York, is a different purpose arrived at also by a different method, and therefore, Mr. Chairman, I believe the substitute is not germane to the amendment offered by the gentlewoman from New Jersey.

Mr. GREENWOOD and Mr. LAMBERTSON rose.

Mr. GREENWOOD. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Indiana.

Mr. GREENWOOD. The point of order has been raised by the gentleman from Georgia [Mr. RAMSPECK] that because of substantial changes which the substitute offered by the gentleman from Indiana [Mr. GRISWOLD] proposes in the administration of the law, in that the substitute takes its administration to the courts instead of being administered by an intervening agency of an administrator, which shall find certain facts before they are taken to court, that the substitute is not in order.

Under the former ruling of the Chair the subject matter of both of these proposals is the regulation of wages and hours in interstate commerce. It is true that the substitute offered by the gentlewoman from New Jersey provides the intervening agency of an administrator in the Department of Labor that shall set up certain standards and make certain findings, but, eventually, under this substitute they can take the findings to a court and the Department of Justice is to enforce the penalties which are similar to the penalties offered in the substitute by the gentleman from Indiana.

Under the former ruling of the Chair, these are incidental matters in enforcing a regulation which shall be determined by the House of Representatives in considering these two substitutes, and the subject matter is the regulation of wages and hours in interstate commerce. The substitute of the

gentleman from Indiana [Mr. GRISWOLD] lays down a fixed standard to be considered by the court. The substitute of the gentlewoman from New Jersey [Mrs. NORTON] lays down provisions whereby there is flexibility, where changes can be made in hours or wages according to certain provisions and stipulations set out in the law. I contend, Mr. Chairman, that under the previous ruling on the point of order made by the gentleman from New York [Mr. SNELL] we get back to the subject matter of the bill and of both substitutes, and that the question of whether the penalty shall be enforced by the court directly under a rigid standard or whether it shall be enforced after a board in the Labor Department shall make certain findings is merely incidental, and that the point of order should be overruled.

Mr. LAMBERTSON rose.

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. LAMBERTSON. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LAMBERTSON. Mr. Chairman, I want to corroborate what the gentleman from Indiana [Mr. GREENWOOD] just said, that certainly this is germane. All through the hearings the question of administration of this proposition was brought forward. I want to read a couple of questions and answers in the hearings in which Mr. John L. Lewis was very emphatic. He was really supporting the present Green bill at that time. I asked Mr. Lewis if he favored this bill with section 5 out. Section 5 deals with the powers of the Board. My question was:

Would you rather see this bill reported adversely than reported with sections 5 and 23 in?

Mr. Lewis answered:

Well, I would not want to put it that way, Congressman. I think that the bill is entirely meritorious, eminently economically sound, and justifiable from every standpoint, if we do not undertake in this measure to set up a board with power to fix the wage structure of industry.

That is John Lewis' testimony, and on the next page I asked the further question and he answered in the same way:

In other words, you would rather see labor have the power that it has today to strike and take care of itself whenever necessary, rather than under any Federal board which even might be appointed under the present President?

The CHAIRMAN. The Chair would be very glad to hear the gentleman from Kansas on the point of order. The Chair, however, feels that the gentleman is not addressing the Chair upon the point of order.

Mr. LAMBERTSON. Mr. Chairman, I beg the Chair's pardon, but I think I am, and that the question of a board or no board went all through this hearing, and I am quoting a couple of important paragraphs of a gentleman by the name of John L. Lewis. He was against any board but in favor of the bill, and I would like to read his last answer to my question.

The CHAIRMAN. The Chair does not want to curtail any Member who is addressing the Chair trying to assist the Chair.

Mr. LAMBERTSON. I have not used much time today.

The CHAIRMAN. Of course, recognition rests with the Chair, and the Chair would be glad to hear from the gentleman on the point of order.

Mr. LAMBERTSON. I think that the last answer is germane, that Mr. Lewis gave to my question.

The CHAIRMAN. The testimony of Mr. Lewis, of course, is not involved in this question.

Mr. LAMBERTSON. Certainly, it is germane if it were a question all through the hearings.

The CHAIRMAN. The Chair is very anxious to hear the views of the gentleman from Kansas.

Mr. LAMBERTSON. My view agrees with that of John L. Lewis on this point. I want to say this, Mr. Chairman: His answer to this last inquiry——

The CHAIRMAN. The Chair is constrained to suggest to the gentleman that the gentleman from Kansas is not assisting the Chair in the matter before the Chair.

Mr. LAMBERTSON. If the Chair will let me read this, I think it will assist him. I am sure that it is illuminating.

The CHAIRMAN. The gentleman will proceed.

Mr. LAMBERTSON. This is what Mr. Lewis said:

I do not think that under section 5 of this act the Congress can afford to set up an instrumentality here and vest it with all of the broad powers that may be necessary to confirm wage fixing as such in the country.

He was against the Board or a delegation of the power given them, which still is in the bill and the Norton substitute.

Mr. GREEN. Mr. Chairman, I desire to be heard on the point of order.

Mr. O'CONNOR of New York. Mr. Chairman, I desire to be heard upon the point of order.

The CHAIRMAN. The Chair will be glad to hear from the gentleman from New York on the point of order.

Mr. O'CONNOR of New York. Mr. Chairman, earlier today I said I believed that any bill that approaches a possible solution of the question of wages and hours is germane as a substitute to the pending bill. [Applause.]

The original bill provided for a board to administer its provisions. The Norton amendment provides for an administrator in the Department of Labor. The Griswold substitute provides for no administrator whatsoever. In that respect all these proposals are germane. The original bill and the Norton amendment provide for flexible wages and flexible hours. The Griswold amendment provides for fixed wages and fixed hours. Surely, if you have a flexible schedule, you could always offer an amendment to make a rigid or fixed schedule.

There has been some talk about enforcement of the act, putting such enforcement into the courts. That result has nothing to do with administration of the measures. Probably in the other bills before us there are provisions whereby some parts of the measures will be enforced by the courts, but any bill that deals with wages and hours, irrespective of any schedule of wages and hours, irrespective of whether such schedules are flexible or rigid, irrespective of what method of administration is selected or whether there is no administration at all, I contend all these measures are germane to the Senate bill first under consideration by the House. They all aim at the ultimate objective of solving the national problem of minimum wages and maximum hours for our workers.

The CHAIRMAN (Mr. MCCORMACK). The Chair is prepared to rule.

The Chair is of the opinion that the ruling made by the Chair a short time ago on the point of order raised by the gentleman from New York [Mr. SNELL] applies as well to the point of order raised by the gentleman from Georgia [Mr. RAMSPECK].

In addition to the citations mentioned by the Chair on the previous occasion, the Chair calls attention in connection with the point of order raised by the gentleman from Georgia [Mr. RAMSPECK] to a precedent in section 3054 of Cannon's Precedents, volume 8, where, in the syllabus, it is stated:

To a proposition providing for the attainment of an objective by a specific method a proposal to achieve the same objective through the adoption of another method closely related may be germane.

To a bill authorizing the Secretary of War in his discretion to discharge enlisted men, an amendment directing the Secretary of War to prescribe regulations permitting the discharge of such men was held to be germane.

An instance wherein a proposal to instruct an executive to take definite action was held to be germane to a proposal to authorize him to take such action.

The Chair believes, having in mind the broad objective of this bill, the establishment of minimum wages and maximum hours, that the Committee of the Whole and the House are not precluded from considering another method or another means of accomplishing that purpose than the one recommended by the Senate bill or by the House committee, both methods being germane. The Chair believes it

germane for the Committee of the Whole House on the state of the Union under the rules, to consider a mandatory minimum-wage and maximum-hour provision in preference to the amendment of the committee or the provisions of the Senate bill. Which is the desirable course to take is a matter for the Committee to determine.

In the opinion of the Chair, the substitute offered by the gentleman from Indiana [Mr. GRISWOLD], for the reasons stated, is germane, and the Chair overrules the point of order.

Mr. O'MALLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'MALLEY. Under the present procedure is it now in order to offer amendments to the Norton substitute, but not in order to offer amendments to the Griswold substitute?

The CHAIRMAN. It is now in order to offer an amendment to either the Norton amendment or the Griswold substitute.

The gentleman from Indiana is recognized for 5 minutes.

Mr. GRISWOLD. Mr. Chairman, this Griswold substitute which I have just offered is the original Dockweiler bill. It differs from the original Griswold bill only in the hours. The Griswold bill fixed a maximum of 44 hours. Mr. DOCKWEILER cannot, under the rules, obtain recognition, so I have refrained from offering the substitute I intended to offer, and at Mr. DOCKWEILER's request I am now offering this substitute.

Because I am a friend to labor and to wage and hour legislation, because I have eaten its bread and salt, because I have toiled with it and fought for it when its friends in this House were few in the days before the flag of labor became a popular flag to wave; because I, myself, have labored and represented to the best of my ability labor organizations in wage and hour disputes with employers in bygone days I am introducing this amendment. I know what it means to pray, "Give us this day our daily bread." I know what long hours and low pay mean in a factory. I know what they mean in the most dangerous occupation in America—that of a switchman. I know these things not because I have obtained my knowledge from a book, not because I have heard parlor pinks, social workers, and others who make a profession of being friends of labor talk, but because I have had the experience—because the life that labor leads was mine. I know it from backache and muscle ache and sleeplessness and weariness.

Because I do not want to see labor exploited and made the victim of deception, I have presented my amendment.

Under the chairman's bill you set up an administrator in the Department of Labor with power to create differentials. You send him forth with a mandate to fix one scale in one locality and another scale in another. You send him forth to destroy labor with a knife in its back while he approaches it with a smile. By the pending bill you cut the throat of every industry and laboring man in the North with the "differential" ax.

If you want a true wage and hour bill, adopt the Griswold amendment. By so doing you strike out differentials. You strike out both boards and administrators. You establish a floor for wages and a ceiling for hours. Congress defines the crime instead of leaving it to the caprice of an appointive officer. Every American has a right to expect that under the Federal law he will be treated the same whether he be in Alaska or Florida, in California or New York. State laws may differ, but Federal laws should rest equally on all. We, not some bureaucrat, should designate what constitutes a crime. If you pass this bill without the Griswold amendment the people will soon learn to their sorrow that a man may be convicted of a crime under the Federal law in New York and Pennsylvania that is not a crime under the Federal law in Georgia and Alabama.

Under the pending bill if wages are increased 90 days' notice must be given, but not 1 second's notice of a decrease. Under the pending bill if hours are decreased 90 days' notice must be given, but if hours are increased above 40 hours a week not 1 second's notice need be given labor.

The Black-Connery-Norton bill does not fix wages or hours. Under it wages cannot be fixed above 40 cents per hour, but they can be fixed as low as 10 cents. Hours cannot be fixed at less than 40, but they can be fixed as high as 70 hours per week. The Griswold amendment would cure this error.

The Bourbons of France used the fleur-de-lis, the Plantagenets the broom plant, the N. R. A. Administrator the blue eagle as a symbol of power and emblem of authority. If you vote down the Griswold amendment and pass the Norton amendment creating this new administrator in the Department of Labor, I suggest you add a proviso making his symbol the stinkweed, for this bill in its present shape has a putrid smell.

Mr. RAMSPECK. Mr. Chairman, I rise in opposition to the amendment and ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The gentleman from Georgia is recognized for 10 minutes.

Mr. RAMSPECK. Mr. Chairman, I am personally opposed to both the Norton amendment and the Griswold amendment or substitute. I am in favor of the original bill as reported last summer by the House committee.

On yesterday, our friend the gentleman from Massachusetts [Mr. CONNERY] made a speech on the floor of the House in which he used this language:

> Were Billy Connery here today he would fight for those features and principles which I will do my best to have the House incorporate in an honest wage and hour bill, namely:
>
> First. A maximum workweek of 40 hours;
>
> Second. A minimum wage of 40 cents per hour;
>
> Third. No differentials; the maximum workweek and the minimum wages to be specifically set forth in the law by the Congress rather than to delegate to some unknown board or administrator that power which, to my mind, the Congress should never abrogate or delegate.

I have the highest regard for the gentleman from Massachusetts, and I am sorry that I have to make this comparison of his statement made here yesterday with the language of my beloved friend, Bill Connery, who has passed away, as expressed in a speech made by him on June 8, 1937, a few days before he died, which was placed in the RECORD on June 10 of this year by the gentleman from New York [Mr. MEAD] and which appears on page 1430, part 10, volume 81, the bound RECORD of the last session of Congress. Here is what Bill Connery said. I quote:

> The Black-Connery bill recognizes the practical necessities which make it impossible to prescribe for all goods which enter into interstate commerce any single minimum fair-wage standard or any single maximum workweek standard. We all know that it is impractical to ignore the differences and diversities among industries and localities. We all know that uniform national standards cannot suddenly be imposed upon many and diverse industries without causing industrial dislocations which might seriously curtail the earning power of the workers and their opportunities for employment. The proposed legislation deals realistically with the tough realities of American industry. It states clearly and definitely the objectives to be achieved and the standards to be applied. But it leaves the application of these standards and the progressive realization of these objectives to an administrative board, because that is the only practically feasible way that such legislation can be enacted and administered. As Mr. Justice Cardozo has stated, "the industries of this country are too many and diverse to make it possible for Congress in respect to matters such as these to legislate directly with adequate appreciation of varying conditions" (*Schechter case*, 295 U. S. 495, 552).

This is the language of the former chairman of this committee, the House Committee on Labor. He was one of my dearest and most beloved friends, and I discussed with him personally this very measure time and time again during the time we were holding hearings on this bill. I feel confident, Mr. Chairman, that if Bill Connery were alive he would take the position here today that I am taking now. [Applause.]

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield to my friend from Massachusetts.

Mr. CONNERY. I hope the gentleman is not attempting to give the impression to the House that I am not in position, as the late Congressman's brother, to know his real feelings in regard to this matter.

Mr. RAMSPECK. I think the gentleman was thoroughly honest, but I think he was mistaken. I have read the words of his own brother, made over the radio in a public speech, and I say to the gentleman that Bill told me the last time I talked to him about this matter that he understood the situation in the different sections of this country and that he felt that at last we had a bill which would take those things into consideration, a bill which we could all support.

Mr. CONNERY. Mr. Chairman, will the gentleman yield for a further question?

Mr. RAMSPECK. Yes.

Mr. CONNERY. My statement yesterday was based on a conversation, as I then stated, with the late Congressman on his second last visit home, which was 2 weeks prior to his death. At that time we sat in his house until probably 4 or 5 o'clock in the morning discussing nothing but wage and hour legislation.

At that time he stated definitely and emphatically to me that he was in favor of no differential.

Mr. RAMSPECK. I think the gentleman misunderstood his brother in this respect: Billy was not in favor of geographical differentials and neither am I. I am in favor of differentials which can be justified by the facts. It may be done in Massachusetts as between different cities, or it may be between one State and another, but it must be based upon the facts as proven before the wage and hour committee or before the board, whichever we have. I want to pass now to another subject.

May I say to my friends in the North and East that I am the only member of the delegation from the State of Georgia who up to this hour has been willing to support this legislation or who has been willing to stand up and defend the bill reported last August. [Applause.] I do not want to make a sectional appeal to this House. I have done everything I could to keep the sectional issue out of this matter. I have appealed to my colleagues from the South not to raise the sectional issue. Let us debate and pass on this matter on its merits.

May I say to you who come from the North that we cannot go along with a sudden raising of wages to 40 cents an hour as a minimum, nor a sudden rigid fixing of 40 hours per week, as proposed by the Griswold amendment. I hope you will in your wisdom see the position in which I am placed in this matter and in which others are placed and not support this amendment.

I say to you in all candor and fairness that the majority sentiment in the American Federation of Labor today is not for any wage or hour bill, else they would not be in the position they are in now. The gentleman from Missouri [Mr. WOOD] read to you yesterday a letter, a copy of which I have, and I think every Member has a copy, written last August stating that the A. F. of L. was in favor of the bill as reported by the House Labor Committee. You all know what happened after that. They went out to Denver and had a convention. Mr. Green was overruled, and the men who have been fighting this bill in the A. F. of L. all along are still here fighting it. They have forced President Green to change his position.

We cannot go along on a 40–40 rigid bill. It would disrupt industry, not only in the South but all over the United States. There are small employers in your State, as well as in mine, and in every small community of this country, which this sort of legislation would absolutely disrupt under existing conditions. It would throw many people out of work.

May I call your attention to one other matter? If we are sincere about this matter, if we really want a bill that will stand up when it reaches the Supreme Court, and of course it will go there, we cannot ignore the fact that Bob Jackson, perhaps the best lawyer in the Department of Justice, has said that we cannot, under the due-process provision, impose any obligation upon an employer to pay a wage without giving reasonable consideration to the value of the services. Any lawyer knows that is true. We cannot make it stand up. It would be an idle gesture and it would upset business from one end of this country to the other. It would cost the businessmen hundreds of thousands of dollars.

Let us be sensible and reasonable about this matter. Let us vote against the substitute offered by the gentleman from Indiana, and then let us perfect the Norton amendment. After that, vote whichever way you want to as between the administrator and the board. Personally, I am going to vote for the provision for a board because I believe that we will come nearer working this problem out under an independent agency set up for this purpose only, which can gather experience, do a reasonable job and do it as the President has requested. This independent agency can gradually bring into adjustment the low-pay industries and bring down the long hours until a fair basis throughout the country is reached, which will give relief to the sweated workers of this country.

[Here the gavel fell.]

The CHAIRMAN. Does any member of the committee desire to offer a perfecting amendment?

Mr. LAMBERTSON. I want to speak in support of the amendment.

Mr. RANDOLPH. Mr. Chairman, I desire to offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment proposed by Mr. RANDOLPH to the substitute amendment offered by Mrs. NORTON: Page 4, line 9, after the word "vehicle", strike out the word "or" and insert "nor shall 'employee' include."

Mr. RANDOLPH. Mr. Chairman, this perfecting amendment is offered simply to clarify the meaning of the committee in exempting agriculture from the provisions of this bill. That is all I care to say.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from West Virginia [Mr. RANDOLPH].

The amendment to the amendment was agreed to.

Mr. RANDOLPH. Mr. Chairman, I desire to offer another perfecting amendment.

The Clerk read as follows:

Perfecting amendment proposed by Mr. RANDOLPH to the amendment offered by Mrs. NORTON: Page 16, line 19, strike out the word "or" and insert the word "of."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from West Virginia [Mr. RANDOLPH].

Mr. WILCOX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILCOX. Is it in order for the House to consider amendments to both of the substitutes at one time?

The CHAIRMAN. It is.

Mr. LAMBERTSON. Mr. Chairman, I rise in support of the amendment.

Mr. McREYNOLDS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Tennessee for the purpose of making a parliamentary inquiry?

Mr. LAMBERTSON. I yield, Mr. Chairman.

Mr. McREYNOLDS. Did I understand the Chairman to hold we have two bills before the House in the form of amendments, and that amendments may be offered to each of them, perfecting both amendments at the same time?

The CHAIRMAN. The Chair's understanding of the rules is that a perfecting amendment may be offered to the Norton amendment and a perfecting amendment may be offered to the Griswold amendment.

Mr. McREYNOLDS. Can an amendment which is not perfecting, except according to our own ideas of perfecting, be offered if it is germane? Have we ever had a precedent,

Mr. Chairman, where we had two bills before the Committee at the same time? There are three bills, for we are going to have another one. Have we ever had such a precedent? Mr. Chairman, do you not believe we had better rise and look into this situation? I move that the Committee do now rise.

Mr. LAMBERTSON. I did not yield for that purpose, Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas did not yield for that purpose.

The gentleman from Kansas has 3 minutes remaining. The gentleman from Kansas is recognized for 3 minutes.

Mr. RAYBURN rose.

Mr. LAMBERTSON. Mr. Chairman, will this be taken out of my time?

The CHAIRMAN. If the gentleman yields, it is taken out of the gentleman's time.

Does the gentleman yield to the gentleman from Texas?

Mr. LAMBERTSON. I yield, Mr. Chairman.

Mr. RAYBURN. Mr. Chairman, I desire to make two unanimous-consent requests.

Mr. Chairman, I ask unanimous consent that the gentleman from Kansas may be allowed to proceed for 5 minutes instead of 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Chairman, I am wondering if we cannot have an agreement which will get us out of this confusion, and I now ask unanimous consent that until the Griswold amendment is disposed of only amendments to the Griswold amendment may be in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMBERTSON. Mr. Chairman, it was my intention to have introduced the same amendment the gentleman from Indiana [Mr. GRISWOLD] introduced. Since John L. Lewis and the Democratic administration are supporting the bill providing for the board or single administrator, I believe in all fairness a Republican member of the committee should have been recognized to introduce this so-called A. F. of L. bill.

I was one of two who voted against this bill being reported out of the committee in August, and I want to read into the RECORD a part of the minutes from the Labor Committee's records:

> Mr. WOOD moved that the bill (S. 2475) be reported out of the committee with amendments. It was so agreed, with two dissenting votes. Mr. LAMBERTSON stated he would not vote for any bill that establishes a new board or commission. Mr. BARDEN also voted against the bill.

The gentleman who took this bill away from me is not on record as having voted against the bill to establish a board, but this afternoon that gentleman has offered as a substitute the so-called Green bill, thus reversing his former position. The gentleman from North Carolina [Mr. BARDEN] and I were the only ones who voted against reporting the Senate bill out of the committee. I want my record straight on that. I voted primarily against a board and White House dictatorship.

I want to quote John Lewis a little further. As appears on page 281 of the hearings, he testified:

> I think the power of the board should be limited to cases which run below the level of the standards fixed by Congress. I see endless confusion in the adoption of section 5 now. I see a drift toward the complete fixation of wages in all industry by governmental action.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. No; I cannot yield. I have only 5 minutes.

May I say I came here on the Committee on Labor with the gentleman from Georgia 9 years ago. I have served with Billy Connery the 10 years the gentleman from Georgia has, and I never knew Billy Connery in that 10 years ever to be one iota away from William Green. The gentleman from Georgia must agree with me on that. Who can speak for him?

Mr. DUNN. I can.

Mr. LAMBERTSON. Not once in 9 years was he ever in disagreement with William Green.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. No; I do not yield.

Mr. DUNN. I will answer that question.

Mr. LAMBERTSON. The gentleman from Georgia says this bill has to meet the test of constitutionality before the Supreme Court and infers that the committee hodge-podge substitute is sounder than the Green bill. How well have the administration measures fared in the Supreme Court up to date? This so-called Green bill is not an administration measure. Mr. Green is conscientious and sincere; he was not for this board at any time through the hearings, I felt that. I can also say that John Lewis was not for it then. Of course, John Lewis is for the bill now because Green is against it, and this is the only reason. He was with him at heart all summer. In the hearings both of them were together. They were really against the board, against which I voted and am against today. John Lewis can be quoted a dozen times in the hearings as against the board or a board substitute, the proposed administrator, and the danger of their fixing wages in industry.

I hope the so-called Green substitute amendment does prevail. You talk about doing something for unorganized labor in the country. Why, has anybody ever before said that organized labor did not come here to champion the cause of labor generally? Has anyone ever before said organized labor was against the interests of unorganized labor? I do not believe so. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RANDOLPH].

The amendment was agreed to.

Mr. GREEN. Mr. Chairman, I offer a perfecting amendment to the Griswold amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. GREEN to the substitute amendment offered by Mr. GRISWOLD: On page 3, line 23, strike out the colon, insert a period, and strike out all down to and including line 4, on page 4.

Mr. GREEN. Mr. Chairman, all that this amendment proposes is to exempt from the provisions of the bill persons employed in forestry or in the taking of fish, sea food and sponges, or in the turpentine industry.

The other bill has this exemption and in the main, these are considered farm products. The turpentine industry has been so considered, and I do not believe any of you would want to put forestry under any other classification because we have our C. C. C. camps working in our forest areas trying to reforest them and they are working on a far less wage than is provided in this bill. It would not be consistent to have a different wage scale in forestry service C. C. C. camps than in the forestry work of the individual.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield.

Mr. SIROVICH. What is the salary per hour today in these various industries which the gentleman would want to exempt for the State of Florida?

Mr. GREEN. Different rates obtain, of course, and the Forest Service is about the same as the others, but in the fishing service I believe there is a difference when you go all the way up and down the east coast as far as New England. The bill will not be injured by this amendment and the same provision obtains in the bill offered by the gentlewoman from New Jersey, so I hope the Committee will adopt the amendment.

Mr. WELCH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if the amendment offered by the gentleman from Florida [Mr. GREEN] is adopted, it will remove from

the operations of this bill the canning industry, which is seasonal in its operations.

Mr. GREEN. No; only the taking of the fish.

Mr. WELCH. It was never intended by this bill or any other bill dealing with the question of hours and wages to include the canning industry.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. WELCH. Yes.

Mr. GREEN. This refers to the taking of the fish from the water and does not involve the canning industry, as the gentleman will see from the language on page 4.

Mr. WELCH. I am reading from page 3 of the amendment. The gentleman's amendment would cover packing and storing, which would include canning.

Mr. GREEN. No; that is not included. My amendment refers to the language beginning in line 24, on page 3—

That nothing in this section shall exlude from the operation of section II of this act persons employed in forestry or in the taking of fish, sea food or sponges, or in the tapping or chipping of pine trees for crude gum—

And so forth.

Mr. WELCH. The gentleman states his amendment will not affect packing or storing of fresh fruits or vegetables.

Mr. GREEN. No; the amendment would eliminate the fishing man just like you do the man engaged in agriculture.

Mr. MOTT. What does the gentleman from Florida understand to be the meaning of the term "forestry" as used in this bill?

Mr. GREEN. Forestry means where you have persons employed to work on forests.

Mr. MOTT. Would that include logging operations?

Mr. GREEN. No; that would not be included, because that would be processing the logs. If you wanted to plow the land and plant trees to reforest such areas, that would come under my amendment.

Mr. WELCH. Mr. Chairman, I feel it would be a serious mistake to amend this particular section in any manner. This section of the amendment offered by the gentleman from Indiana [Mr. GRISWOLD] has been carefully considered by the proponents of the amendment, of which I am pleased to say I am one, and I may say it is the hope that no further amendments along these lines will be adopted.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. WELCH. I yield.

Mr. SNELL. Did I understand the gentleman to say that all agriculture is exempt from the provisions of this bill?

Mr. WELCH. Yes; all agriculture.

Mr. MOTT. Mr. Chairman, will the gentleman yield for a question?

Mr. WELCH. I yield.

Mr. MOTT. What does the gentleman understand to be the meaning of the term "forestry;" does that include logging operations?

Mr. WELCH. The gentleman, like myself, comes from one of the greatest logging countries in the United States, if not in the world, and his judgment is as good as mine.

Mr. MOTT. My own interpretation would be that this language would include any work pertaining to the forests and would include logging and sawmill operations.

If we are going to pass this bill, those operations should not be excluded.

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired. The question is on the amendment offered by the gentleman from Florida [Mr. GREEN].

The question was taken; and on a division (demanded by Mr. GREEN) there were—ayes 15, noes 65.

Mr. GREEN. Mr. Chairman, on that I demand tellers.

The CHAIRMAN. The gentleman from Florida demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Five Members rising, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The CHAIRMAN. Are there any members of the committee who desire to offer an amendment to the Griswold amendment?

Mr. MARTIN of Colorado. Mr. Chairman, I am not a member of the committee, but I desire to offer an amendment to the Griswold amendment. I move to strike out section 11 of the Griswold amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Colorado to the substitute amendment offered by Mr. GRISWOLD: Page 7, of the substitute amendment, beginning in line 11, strike out section 11.

Mr. CASE of South Dakota. Mr. Chairman, I make the point of order that in the copy of the Dockweiler bill, the Griswold amendment, there is no such thing as section 11.

The CHAIRMAN. Does the Chair understand that the gentleman from South Dakota makes that point of order?

Mr. CASE of South Dakota. Mr. Chairman, I make the point of order.

The CHAIRMAN. The amendment sent to the Clerk's desk contains section 11. The point of order should have been made at that time. The gentleman from Colorado is recognized for 5 minutes.

Mr. MARTIN of Colorado. Mr. Chairman, I do not blame Members a bit for acting as they are, because they are acting just the way I feel. The point of order raised by the gentleman from South Dakota [Mr. CASE] might not have been good from a parliamentary standpoint but it is certainly good from the standpoint of the manner in which this legislation is being cooked up and handled. As the gentleman from South Dakota [Mr. CASE] said, section 11 was not in the printed Griswold or Green bill distributed among the Members a half hour ago. It came in as an afterthought, after the reading had been concluded, and was offered merely as a typewritten amendment. This child-labor amendment which has been offered as an amendment to the so-called Green bill by the gentleman from Indiana [Mr. GRISWOLD] is, word for word, the provision which was thrown out of the wage and hour bill in the Senate after a thorough and searching debate by the most prominent wage and hour and child-labor leaders in that body, and in its place was substituted the Wheeler-Johnson child-labor amendment. The House Committee on Labor rescued that discarded amendment from the wastebasket of the Senate and stuck it back in this wage and hour bill and threw out the Wheeler-Johnson amendment, which I propose to offer if and when, in the course of human events, we ever get to that point in the consideration of this question.

Mr. SIROVICH. What is the difference between them?

Mr. MARTIN of Colorado. There are a number of differences. I made an analysis of this same child-labor provision the other day in general debate on the Labor Committee bill. I pointed out the objections. This is nothing but the House Labor Committee child-labor amendment tacked on to the Green bill. I am struggling against the confusion in the Hall in the knowledge that my position is futile, but what I am trying to get at is going to be thoroughly considered before this bill ever gets down to the other end of the Avenue.

I pointed out that under the language of this pending amendment, which I have moved to strike out, complete power and discretion is vested in the Chief of the Children's Bureau to exempt any and all children under 16 years of age and subject them to labor in any occupation, if the Chief of the Children's Bureau shall be of the personal opinion and shall merely declare that it does not interfere with their education or with their health and well-being. There are no standards set up, there is no limitation, not even a bottom age limit. We have over 10,000 school districts in this country, and we have different school terms and different conditions in all of them; but if the Chief of the Children's Bureau is of opinion that any children under 16 years of age should be exempt, she can exempt them and subject

them to labor and, as there is no bottom age limit, she can exempt them not only under 16 years of age but under 6 years of age.

Let me read you the language:

The Chief of the Children's Bureau shall provide, by regulation or order—

Even an order—

that employment under 16 years of age shall not constitute oppressive child labor if, and to the extent that the Chief determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

Where, may I ask, is the limit on that? It will take 10,000 investigators and 10,000 doctors to administer that clause. Every child will have to be examined by a doctor and, if exempt and put to labor, continue under a doctor's supervision to see whether he remains fit to work. No such unrestricted delegation of power was ever attempted in legislation. It would not stand in any court 5 minutes.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I cannot. As to the hazardous work class between 16 and 18, let me read to you the language. As to children between the ages of 16 and 18 years, their employment shall not be deemed to constitute oppressive child labor—

If and to the extent that the Chief of the Children's Bureau determines that such employment is not detrimental to the health or injurious otherwise.

There is no standard set up, no procedure laid down, as there is in the Wheeler-Johnson bill that the House committee threw out. All she has to do is to declare that an occupation is or is not hazardous and that settles it for all children falling within the category.

She can exempt any one or more classes of industry in any community or in different communities under the same or different conditions. There is no limit and no rule of guidance.

Under the Wheeler-Johnson amendment, regulations must be laid down, investigations must be made, and information gotten from reliable sources, and facts must be found before an occupation is classed as hazardous.

Another defect in the pending section of the Griswold bill is that the hazardous-work clause applies only to children between 16 and 18 years of age, while the Wheeler-Johnson amendment applies to all children under 18. It shows how unconsidered this legislation is, about like putting the tariff in the House bill, which is now out on a point of order. The question is, under that language, Where are the children under 16 as to hazardous work? The courts will answer when some of them get hurt.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I ask for 1 minute more.

The CHAIRMAN. Without objection, the gentleman is recognized for 1 minute.

Mr. O'MALLEY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

Mr. EDMISTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman is recognized for 1 additional minute.

Mr. MARTIN of Colorado. Mr. Chairman, when the Senate threw this proposition into the wastebasket, where the House committee found it, it had been agreed upon by all Senate leaders that it was an absolutely unconstitutional delegation of power to the Chief of the Children's Bureau, without any limits or standards whatever. That is not all. When child labor bills were before the Senate Committee on Interstate Commerce similar language was put up to Miss Lenroot, Chief of the Children's Bureau, and she advised against such delegations of power, raising constitutional questions. Yet in face of the opinion of the Chief of the Bureau herself, the House Labor Committee has dug this discarded amendment out of the wastebasket and now, at the last moment after the Griswold bill is read, it is attached to the bill. I ask you to vote it out.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

The question is on agreeing to the amendment offered by the gentleman from Colorado.

Mr. SCHNEIDER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the motion to strike out section 11, which is the child-labor definition that was written into the Dockweiler bill, but only on the copy on the Clerk's desk. That definition, except for the power of exemption given to the Children's Bureau, which I believe should be amended, has been given the best consideration of all those in this country who are interested in the welfare of children. It is the same as the definition of "oppressive child labor" in the Black-Connery bill as reported by the House committee, and is also contained in the committee substitute. It has been approved by the National Child Labor Committee and all those who are in favor of protecting children in employment.

The child-labor provisions in the Black-Connery bill are unlike the Wheeler-Johnson amendment, which was put into the Senate bill on the floor of the Senate because of certain representations that were made with reference to that amendment. That amendment that was put in by the Senate, and which is about to be proposed now as a substitute to this section, providing the amendment before us is carried, is a bad proposal.

It is one that entails the labeling of child-labor products. It requires the employer to place upon every article that goes into commerce a label designating that it is made with child labor. It makes great complications for the employer without accomplishing the purpose for which it is intended. It destroys the real purpose of child-labor legislation. The proposal in the Black-Connery bill substitute is one for the purpose of preventing the employment of children in industry. It requires a certificate on the part of the employer, when he employs children under 18 years of age, to be filed. That is his protection from prosecution because of the employment of child labor. The other bill permits the employment of child labor and prosecutes the employer afterward. It is a prosecution bill. Therefore, may I not call your attention to the importance of this bill, and that the motion to strike out should be defeated?

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. SCHNEIDER of Wisconsin. I yield.

Mr. KELLER. May I not call attention to the fact that instead of picking this out of the wastebasket, it was contained in both the original Senate bill and the House bill?

Mr. SCHNEIDER of Wisconsin. That is entirely correct. This bill has the approval of all Members of this House who have studied the question.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. SCHNEIDER of Wisconsin. I yield.

Mr. HEALEY. As I understand it, the Wheeler bill would depend, first of all, upon prosecution after the child has been employed in industry, whereas the bill as written prevents the employment of children from the start.

Mr. SCHNEIDER of Wisconsin. That is correct.

It is significant that there are 43 States and the District of Columbia now using some form of employment certificate by which it is determined whether a child is of legal age for employment. The proper operation of such a system results in preventing child labor. Undoubtedly, the cooperative working arrangements between the Federal Government and the States which are proposed will result in all of the agencies and staffs of these 43 States and the District of Columbia working together. This will eliminate child labor from interstate commerce with the greatest responsibility in the hands of the States and the least call upon the Federal Government.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. SCHNEIDER of Wisconsin. I yield.

Mr. SHORT. Is not the effect of this provision to take the control of children from their parents and delegate it to a board or bureau in Washington?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time on this amendment has expired.

The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. MARTIN].

The amendment was rejected.

Mrs. NORTON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

Mr. WADSWORTH. Mr. Chairman, I object.

Mrs. NORTON. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentlewoman from New Jersey moves that all debate on the Griswold amendment and all amendments thereto close in 30 minutes.

The question was taken; and on a division (demanded by Mrs. NORTON) there were—ayes 117, noes 113.

Mr. MARTIN of Massachusetts and Mr. O'MALLEY demanded tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. GRISWOLD and Mrs. NORTON.

The Committee again divided; and the tellers reported that there were—ayes 140, noes 114.

So the motion was agreed to.

Mr. BOREN. Mr. Chairman, I submit a preferential motion.

The Clerk read as follows:

Mr. BOREN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. BOREN. Mr. Chairman, I have not made this motion without mature thought. I do not care to discuss it at length, except to say that in my district we have industry that is very vitally affected by this bill. I have felt that it was a matter of great interest, particularly to the oil industry, that sufficient time be allowed for proper consideration of amendments to this measure. I have an amendment to offer for particular application to the oil industry.

May I say, furthermore, that it is my impression that, with all the confusion here, the floor is not the proper place to draft important legislation, such as a new wage and hour bill. The present wage and hour bill has not been properly drafted. I believe that every man here in his honest conviction will recognize that this is not the proper place to try to perfect the legislation.

This bill is a mockery, is a bundle of empty platitudes. As aptly put by one of the Members of the House, the bill is designed to humbug labor.

We now have three different bills before the House and some hundred amendments or more. All is confusion and doubt, and I am convinced that no judicious action can come out of this melee of confusion and uncertainty.

The Labor Committee has not been fair and honest with the House in bringing here a bill which the committee itself now say should be withdrawn in favor of a substitute measure equally poor in its preparation and presentation. If the Labor Committee is itself so uncertain, how can we intelligently vote to approve or reject the committee proposal?

I am for the principle of maximum-hour and minimum-wage legislation, but I am opposed to this confusing method of drafting legislation. I am also convinced that neither of the committee bills is worthy of the use of the time of this body.

Furthermore, we have shown the committee that we do not favor the establishment of any new bureaus, boards, or administrations. We have a thousand too many bureaus now.

Labor does not want a bureau or a board. Labor wants a good law.

In the name of labor's wish for an honest wage and hour bill, in the name of a Nation of people who are dependent upon serious, thoughtful, and wise action on our parts here today, I urge the passage of my motion, which will, in effect, defeat these monstrosities that the Labor Committee have brought here and will serve notice on the committee that we want a sensible, workable, valuable measure before we make it law.

In closing I appeal to you to support my motion, which is simply that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. SABATH. Did I understand the gentleman to say he was withdrawing that motion?

Mr. BOREN. No; I am not withdrawing it.

Mrs. NORTON. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, we have two propositions before this House, either of which can be acted upon. In all fairness to your committee, it must be recognized that if this motion is adopted it simply means there is not going to be any wage and hour bill at all.

It is my impression that every Member of this House pretty much knows exactly what he wants to do about this bill. I believe that fair play demands that this motion be defeated, be voted down.

Mr. BOILEAU. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTON. I yield.

Mr. BOILEAU. I agree with the gentlewoman entirely that this motion should be voted down, that we should give fair, complete, and thorough consideration to the various proposals now before the House. I ask the gentlewoman, however, if she does not believe that we are not giving fair consideration to the so-called Griswold amendment when we limit debate to 30 minutes on this most important proposal?

There are many of us in the House who are interested in this amendment, but if it is defeated we will want to support the committee amendment, and we want an opportunity fairly to present our preference and our views. In all justice to those of us who might want to offer amendments—and I know of two or three who do—will not the gentlewoman agree to let the vote go over until tomorrow on this most important amendment, an amendment that is sponsored by American labor movement, a proposal that has been before this Congress time and time again? In view of the fact that this is the first time we have had an opportunity to give consideration to this proposal, I appeal to the gentlewoman to see if she cannot prevail upon the majority leader and the other leadership, including herself, in all fairness to the Members of the House, to move that the Committee do now rise that we can give careful consideration to this proposal and vote upon it tomorrow after we have had ample time to consider it, and also have had ample time to propose any amendments we might see fit to offer.

May I suggest further that the majority leader would not have received unanimous consent to consider the Griswold proposal before the consideration of other amendments had I thought we were going to continue here at this late hour, when the Members are somewhat nervous and tired? I appeal to the leadership to give us an opportunity to thrash this thing out on its merits and give us an opportunity to perfect it and vote on it tomorrow rather than today. [Applause.]

Mrs. NORTON. I may say to the gentleman from Wisconsin that we have already debated this motion for over an hour, about an hour and a half, and we still have a half hour more.

Mr. BOILEAU. I appreciate that.

Mrs. NORTON. Does not the gentleman believe that every Member of this House is ready now to vote on this proposal?

Mr. BOILEAU. Not on this proposal, I submit. I know of three or four bona fide amendments that are of vital

importance, the success or failure of which will in large part determine how the individual Members will finally vote on this proposal.

There have been only three of them offered. The proponent of the amendment gets 5 minutes, and then a member of the Committee on Labor uses another 5 minutes. Other Members who desire to address themselves to the Green, Griswold, or Dockweiler proposition, whatever you may call it, do not have an adequate opportunity to express themselves. I appeal to you in the name of fair play to reconsider and give us an opportunity for extended debate so that this matter may be decided fairly.

Mr. RAYBURN. Will the gentlewoman from New Jersey yield?

Mrs. NORTON. I yield to the gentleman from Texas.

Mr. RAYBURN. May I say that no one can charge that the chairman of the Committee on Labor has not been fair.

Mr. BOILEAU. I did not mean to leave that inference.

Mr. RAYBURN. I do not think my fairness ought to be appealed to either. We ought to get along with the consideration of this legislation. When one amendment receives consideration of an hour or an hour and forty minutes it seems to me that is certainly fair and just.

Mr. BOILEAU. Does not the gentleman admit this proposal is the most vital and the most controversial? This amendment presents to the House the question whether we shall have differentials or shall not have differentials. Does not the gentleman agree that the amendment is the most important of all and perhaps 2 or 3 days' debate on the one amendment would not be amiss. It is of great importance.

Mr. RAYBURN. I certainly do not agree that an hour and a half is not sufficient time.

[Here the gavel fell.]

The CHAIRMAN. The question is on the motion offered by the gentleman from Oklahoma [Mr. BOREN.]

Mr. O'MALLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'MALLEY. Will the Chair explain the effect of the motion offered by the gentleman from Oklahoma?

The CHAIRMAN. Without objection, the Clerk will again report the motion offered by the gentleman from Oklahoma [Mr. BOREN].

There was no objection.

The Clerk again read the motion.

Mr. O'MALLEY. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'MALLEY. From which bill will the enacting clause be stricken?

The CHAIRMAN. The motion of the gentleman from Oklahoma is directed to the enacting clause of the Senate bill.

Mr. HANCOCK of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HANCOCK of New York. Is that motion divisible?

The CHAIRMAN. The Chair, in answer to the gentleman's inquiry, will say the motion is not divisible.

Mr. BOILEAU. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. Would it be in order now to offer as a substitute for the motion to strike out the enacting clause a motion that the Committee do now rise? Would that be a preferential motion at this time?

The CHAIRMAN. The Chair may say that a simple motion that the Committee do now rise would have precedence over a motion to strike out the enacting clause.

Mr. BOILEAU. Mr. Chairman, I offer a motion that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin [Mr. BOILEAU].

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 73, noes 147.

So the motion was rejected.

The CHAIRMAN. The question now recurs to the motion offered by the gentleman from Oklahoma [Mr. BOREN].

The motion was rejected.

Mr. DEEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEEN to the substitute offered by Mr. GRISWOLD: Page 4, line 1, after the word "sponges", strike out the comma, insert a period, and, beginning with the last word "or" at the end of line 1, strike out lines 2, 3, and through the word "rosin" and the period at the end of line 4.

The CHAIRMAN. In view of the fact there are evidently numerous amendments to be offered, with a limitation of 30 minutes, the Chair will recognize the gentleman from Georgia [Mr. DEEN] and others for 3 minutes only, if there is no objection.

There was no objection.

Mr. GRISWOLD. Will the gentleman yield?

Mr. DEEN. I yield to the gentleman from Indiana.

Mr. GRISWOLD. I think the gentleman's amendment merely makes it conform to all the other legislation. I have no objection to it being accepted.

Mr. DEEN. My amendment makes the Griswold amendment conform to the Norton amendment and other legislation in the Senate bill.

Mr. GREEN. Will the gentleman yield?

Mr. DEEN. I yield to the gentleman from Florida.

Mr. GREEN. It is in no way in conflict with either one of the bills?

Mr. DEEN. No. The amendment simply makes the Griswold amendment conform to the Agricultural Adjustment Act, the Social Security Act, and some other acts with reference to naval stores. It is simply a perfecting amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. DEEN].

The question was taken; and on a division (demanded by Mr. MOTT) there were—ayes 53, noes 76.

So the amendment to the amendment was rejected.

Mr. COFFEE of Nebraska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COFFEE of Nebraska to the substitute amendment offered by Mr. GRISWOLD: Strike out the period at the end of section 2, page 4, and insert a colon and the following: "*Provided further*, That in industries engaged in producing, processing, distributing, or handling dairy products, poultry or poultry products, or livestock or livestock products, or in those industries engaged in producing, processing, distributing, or handling other agricultural products which are seasonal or perishable there may be employment beyond the established maximum workweek (or workday) without penalty by way of overtime payments or otherwise."

Mr. COFFEE of Nebraska. Mr. Chairman, in a nutshell, this is the Grange amendment. I think you are all familiar with it. I realize the temper of the Committee. I did not intend to offer this amendment at this time. However, the parliamentary situation is such that should the pending Griswold amendment carry it would not be subject to perfecting amendments. Consequently, it is necessary, if agriculture is to be protected under the present substitute bill, that this amendment be adopted now.

This amendment makes it possible for handlers or processors of seasonal or perishable agricultural commodities during rush periods to handle such products without the penalty of overtime.

Mr. KELLER. Would that include livestock?

Mr. COFFEE of Nebraska. It includes livestock.

Mr. DONDERO. Does it include fruits?

Mr. COFFEE of Nebraska. It includes all kinds of fruits and vegetables.

Let me read the amendment to you so you will realize what it is.

Mr. CITRON. Does it include any kind of factories?

Mr. COFFEE of Nebraska (reading):

In industries engaged in producing, processing, distributing, or handling dairy products, poultry or poultry products, or livestock

or livestock products, or in those industries engaged in producing, processing, distributing, or handling other agricultural products which are seasonal or perishable, there may be employment beyond the established maximum workweek (or workday) without penalty by way of overtime payments or otherwise.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Nebraska. No; I have only 3 minutes.

This amendment is endorsed by the National Grange, the National Cooperative Council, the National Cooperative Milk Producers' Federation, the American National Live Stock Association, and practically all the farm organizations. This amendment is essential if you want to protect agriculture. [Applause.]

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Nebraska speaks of the National Grange as authority for his amendment. It should be understood the National Grange is opposed to any legislation affecting the hours and wages of the underprivileged and underpaid people of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. COFFEE].

The question was taken; and on a division (demanded by Mr. WOOD) there were—ayes 158, noes 67.

So the amendment to the substitute amendment was agreed to.

Mr. PHILLIPS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PHILLIPS: On page 4, line 13, after the word "than" strike out "40 cents" and insert "53½ cents"; and in line 14, strike out the words "40 hours" and substitute the words "30 hours."

Mr. PHILLIPS. Mr. Chairman, ever since I was a child I have been raised in the manufacturing industry, and my family and I have been born and bred in it for three generations. I have seen the stopping place in the workday in hours drop from 10 to 9 and from 9 to 8 hours. I believe some of those within the sound of my voice will see the working day cut to a stopping place of 30 hours a week, with a commensurate increase in pay.

I am not going to take time at this late hour to make a speech on this subject, beyond saying that I am for a 30-hour workweek because it is my conviction that unemployment cannot be done away with in the United States, and that the products of industry, the products of labor, and the products of the farm cannot have ample distribution in this country until we come to a 30-hour week with a commensurate raise in pay. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Chairman, I am not rising in opposition to the Phillips amendment. I rise at this time because of the "gag" rule. It is my only chance to print the views of my people. I am supporting the Griswold motion because it eliminates differentials and gives northern industry a chance to live.

The greatest contribution we can make to the progress of the Nation is through bringing more of the comforts and happiness of life to the working people. As the masses go forward, so will the country and everyone in it.

Many of the States in the Union have long realized this, and through wise State legislation have advanced the welfare of the workers and given them protection as to health, safety, and higher standards of living. Shorter work hours, a minimum wage which guarantees a living wage, the abolition of child labor, and the ending of the so-called graveyard shift for women and children in factories, have all come about in many of the advanced industrial States.

No one who lives in these progressive States would for one moment want to go backward. The misery and despair which would be the certain result would create a crisis such as this country has never seen. No; we cannot go backward. The call of the day is to go forward to higher and better levels. These States are face to face, however, with a cold reality. Increased costs have naturally resulted from larger payments to those who toil. These higher costs have placed the progressive States at a disadvantage as they struggle in a highly competitive market to sell the products of their factories and workshops. The result has been short time and a depression pay envelope for the workers in the progressive States, while their competitors in the low-wage areas have been able to have full time.

And capital seeking these low-wage areas has moved factories, with the result thousands have lost their jobs altogether. Will this situation be allowed to continue until eventually all reach the lower level?

I hope not, because I know the grave dangers which it would bring about. Yet that is what the bill reported out of committee would do. It specifically provides there shall be sectional differentials. We are now asked to write into law an unjust advantage which has brought the more progressive States into a condition of great economic distress. It is bad enough to permit this unwholesome situation, but it is a great injustice if we give it the official seal of approval.

This legislation was proposed because it was to help the wage earners receive a better break. It was supposed to elevate industrial conditions and give protection from the chiselers and those who wax rich by paying starvation wages and working women and children long hours. I hope this objective will be retained.

Manifestly, if it is economically and sociologically sound to enact this legislation, then the way to do it is to do it.

The committee bill provides for an administrative agency which would be empowered to grant exemptions in innumerable cases. These exemptions would arise from claims of regional differences, differences between the same classes of industry in the same areas, differences between different lines of industry, and a thousand and one other claims for preferential discrimination. It is obvious that every exemption allowed by such an agency would operate to vitiate the effects of the act and would set up and freeze into the economic structure and unpredictable number of differentials of every character as between various sections of the United States, as between various industries and as between various classes of labor in the same industries.

I fear if we are to have an act that is to be made simply a gigantic controversial bill of exceptions—with each exception further vitiating the effects of the legislation and creating tremendous and unpredictable economic dislocations, no one will be helped, and by creating more uncertainty we will precipitate and increase the magnitude of the threatened depression.

Legislation of this character should be a clear, simple, and concise act of the Congress, establishing such minimum hourly wages and such maximum workweeks as may be determined to be the most practical, and specifying in the bill all of the exemptions which are to be made in the operation of the act.

Those who advocate the legislation say the differentials will be small—only 15 or 20 percent. It might just as well be 50 percent. All that is needed is a sufficient margin to market goods at a lower cost.

It is claimed the South, because of its climate, has lower living costs. That is a fallacy. It costs just as much for a pair of shoes, an overcoat, or a suit in the South as in the North, and perhaps a little more if the article is of the same quality. It costs a man as much for meat, if he eats meat. It is true his rent and coal bills may be lower, but that is no great amount. The chief reason for the lower living costs in the South is because the workers do not get wages sufficient to buy the things available to the better-paid workers of the North.

Higher wages bring a higher standard of living. Give the worker in the South better pay and the lower cost of living idea will be exploded.

For the sake of argument, let us admit there is a substantial difference in living costs. If this were true, I have never received a satisfactory answer why the difference should not go to the worker instead of the manufacturer. Give the worker the benefit of the lower costs and you will bring to the

country a larger purchasing power, which will be a real stimulant to business.

I want to see a wage and hour bill enacted because I know the need for it. But I insist it must be a measure fair to every section of the country. A bill that steals the birthright of the progressive industrial States of the Union will not be satisfactory. You cannot fool the worker by giving him a bill containing no real substance for him. If these differentials are continued, the bill will not accomplish its purpose. New England will continue to struggle under a deadly handicap.

Let us eliminate these sectional differentials; let us eliminate the deadly and destructive "graveyard shift" for women and children; let us banish child labor. Let us give to the workers and industry a real wage and hour law, plainly recorded in the statutes, and without giving all control of labor and industry to a bureau. Let us provide also that the cheap workmen abroad shall not take our home markets as we go forward to higher standards.

The abolition of the "graveyard shift" in the textile industry would be a humane and health measure. It would have a great stabilizing effect on the cotton-textile industry, as it would mean two 8-hour shifts instead of three. Every textile factory in the country would benefit from the restriction of the machine output, and this would mean enough orders to keep all busy on the new schedule.

Labor organizations and labor leaders have advocated these proposals. Indeed, the administration itself has recorded its approval on different occasions.

Write these great progressive labor proposals into law, and the workers themselves, through their collective-bargaining mediums, will bring about further progress as conditions warrant it.

Let us quit playing politics and decide this greatest of American problems on the solid basis of justice and merit. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. PHILLIPS].

The amendment was rejected.

Mr. DUNN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNN to the substitute offered by Mr. GRISWOLD: On page 4 of the substitute, line 13, after the word "than", strike out "forty" and insert "fifty;" and on page 4, line 14, after the word "than", strike out "forty" and insert "thirty."

Mr. WELCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELCH: Page 3, line 1, after the semicolon, strike out the word 'or" and insert in lieu thereof the word "to."

Mr. WELCH. Mr. Chairman, I move the adoption of the amendment.

The amendment was agreed to.

Mr. VOORHIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS to the substitute offered by Mr. GRISWOLD: On page 7, section 11, after the words "The Chief of the Children's Bureau shall provide by regulation or by order that the employment of employees", strike out "under the age of 16 years in" and insert "of any age in theatrical employment or of the age of 14, but under the age of 16 years, in occupations other than manufacturing, mining, or hazardous occupations."

Mr. VOORHIS. Mr. Chairman, this is a perfecting amendment and I hope it will be included in the child-labor sections of any bill that is passed. The amendment provides that the discretionary authority of the Chief of the Children's Bureau shall not extend to the point where that official shall be able to give a certificate to absolutely any child if in the judgment of the Chief of the Children's Bureau that the child might work without interference with health or schooling. It limits that discretion by saying it cannot extend to children under 14 years of age, nor may it extend to children between 14 and 16 in any manufacturing or mining industry, and it takes care of Shirley Temple by exempting from this provision anybody working in theatrical occupations. That is what the amendment does. There has been a great deal of discussion about it. The only reason that I am offering it at this time is that I want the child-labor provisions strengthened no matter what bill passes.

Mr. ALLEN of Pennsylvania. As I understand it, this applies only to the product of children working in interstate commerce.

Mr. VOORHIS. Yes; that is correct.

Mr. DIES. Do I understand that children engaged in theatricals are exempt?

Mr. VOORHIS. Yes.

Mr. DIES. How can the gentleman justify such an exemption?

Mr. VOORHIS. Merely because of the fact that many people feel that little children would like to learn to act and build up to the profession, and a lot of people want to see them act. I agree the exemption may not be logical, and frankly I do not like it. I included it in the hope I would have a better chance of carrying the rest of the amendment.

Mr. DOCKWEILER. Mr. Chairman, this takes care of the Shirley Temple situation and that of other such young actors or actresses. However, I feel that the child-labor amendment, section 11 to the American Federation of Labor bill, is sufficient to do that, because a certificate could be obtained from the Children's Bureau.

Mr. VOORHIS. What I am trying to do is to prevent service of children in mining and manufacturing industries. I do not think the Chief of the Bureau should have discretion to allow children to work in those occupations.

Mr. DOCKWEILER. Does the gentleman agree with me that the present provision in the bill, section 11, takes care of the Shirley Temples, and the like?

Mr. VOORHIS. Yes; but I think it is too broad, and this narrows it to the extent of taking that discretion away in the case of children between 14 and 16 years of age in manufacturing and mining, and children under 14 years of age in any industry in interstate commerce.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

Mr. NICHOLS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 3, line 1, after the word "shall", insert the word "not."

Mr. NICHOLS. Mr. Chairman, this is simply a perfecting amendment to make the bill read as the authors of the bill advise me they want it to read, and make it so that it will read as the other two pending bills read, in that the provisions of the bill do not apply to agriculture, and the amendment which was just adopted, offered by the gentleman from California [Mr. WELCH], should have included this word "not." That is, it should have added the word "not." This is simply a perfecting amendment.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. GRISWOLD. I hope the amendment will be adopted.

Mr. DOCKWEILER. Mr. Chairman, I hope the committee will adopt this amendment, because it was in the original print, and it has been misprinted in this Dockweiler bill.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BOILEAU. Mr. Chairman, I rise in opposition to the amendment. I think there is a misunderstanding. I would like the gentleman from Indiana [Mr. GRISWOLD] and the gentleman from California [Mr. DOCKWEILER] to say whether they want this amendment adopted. As I understand it, the provision to which this is offered says:

Provided, however, That the wage provisions of this act shall not apply.

That goes back to the provision appearing in subsection 6, which provides:

(6) "Employee" includes any individual employed or suffered or permitted to work by an employer, but shall not include any

person employed in a bona fide executive, administrative, profession, or local retailing capacity as outside salesmen nor shall "employees" include any person employed as a seaman, or any railroad employee subject to the provisions of the Hours of Service Act (U. S. C., title 45, ch. 3); or any employee of any common carrier by motor vehicle subject to the qualifications and maximum hours of service provisions of the Motor Carrier Act, 1935.

And then says:

Provided, however, That the wage provisions of this act shall apply.

As I understand it, you want to save the hours provisions and not the wage provision, or is this an entirely typographical error?

Mr. NICHOLS. It is a typographical error.

Mr. BOILEAU. I want to be sure that we are not making any mistake.

Mr. GRISWOLD. It is a typographical error. It did not appear in the original draft of Mr. DOCKWEILER's bill.

Mr. DOCKWEILER. It is a typographical error in the Bureau of Printing. That is all.

Mr. BOILEAU. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. NICHOLS].

The question was taken; and on a division (demanded by Mrs. NORTON) there were—ayes 119, noes 83.

So the amendment was agreed to.

Mr. PETTENGILL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PETTENGILL. Has not the 30 minutes expired?

The CHAIRMAN. There are still 12 minutes remaining.

Mr. HARLAN. Mr. Chairman, I offer an amendment.

Mr. CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. HARLAN: Page 2, line 21, after the word "the", strike out "hours of service act (U. S. C., title 45, chapter 3") and insert "Railway Labor Act of 1926, as amended."

Mr. HARLAN. Mr. Chairman, I would like particularly to have the attention of the gentleman who introduced this amendment. On page 2, line 21, the term "Hours of Service Act" is used with the evident intention of including employees of railways. The fact of the matter is the Hours of Service Act only includes a small fraction of the railway employees.

Mr. GRISWOLD. Will the gentleman yield?

Mr. HARLAN. Just let me make my statement, please. The Railway Labor Act of 1926 includes them all. Now you have included all of the employees of the motor vehicles and other transportation companies, and it does seem to me that you do not want to include all of the employees of other methods of transportation and only include a fraction of the railway employees. Now I yield to the gentleman.

Mr. GRISWOLD. I did not draw this amendment.

Mr. HARLAN. The gentleman will agree to my amendment, will he not?

Mr. GRISWOLD. I agree to the fact that you only take in a small portion of the employees—telegraph operators, the train service men, and a few others.

Mr. HARLAN. But you would agree to the fairness of the amendment?

Mr. GRISWOLD. I have no objection to the amendment.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I yield.

Mr. CRAWFORD. Does your amendment fix it so that the shopmen are taken care of?

Mr. HARLAN. Shopmen, trackmen, and all the rest of them.

Mr. CRAWFORD. It takes them all in?

Mr. HARLAN. Yes.

[Here the gavel fell.]

Mr. KNUTSON. Mr. Chairman, I rise in opposition to the amendment.

I want to say to the House that we have been sitting now for nearly 7 hours. There is so much confusion in the temple that none of us knows what is going on.

Therefore, Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The gentleman from Minnesota moves that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. KNUTSON) there were ayes 65 and noes 157.

So the motion was rejected.

Mr. THOMAS of New Jersey. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMAS of New Jersey. About 6 o'clock there was a motion made that within 30 minutes the Committee would rise. It is now 10 minutes until 7 o'clock.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. THOMAS of New Jersey. About 6 o'clock there was a motion made that the debate on this amendment should close in 30 minutes.

The CHAIRMAN. The Chair cannot take judicial notice of the time when the motion was made.

Mr. THOMAS of New Jersey. There was a motion made that debate would continue for only 30 minutes. The debate has now lasted 50 minutes.

The CHAIRMAN. The Chair is not aware of that fact. There still remains 10 minutes of debate.

The question is on the amendment offered by the gentleman from Ohio [Mr. HARLAN].

The question was taken; and on a division (demanded by Mr. HARLAN) there were ayes 50 and noes 91.

So the amendment was rejected.

Mr. BATES. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BATES: Page 5, line 4, after the word "taking" insert the words "freezing, curing, or processing."

Mr. BATES. Mr. Chairman, this amendment is somewhat in line with the amendment adopted by the House relative to perishable agricultural commodities. The pending amendment excludes those employed in the freezing, curing, or processing of fish. Every Member of this House realizes as well as I do, Mr. Chairman, that fish is a perishable commodity and that the catching of fish is a seasonal occupation.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield.

Mr. CASE of South Dakota. Mr. Chairman, I ask the gentleman what will be the effect of his amendment, bearing in mind that in one place that section of the bill reads—

Or any person employed in the taking of fish—

And then down at the bottom it reads:

However, nothing in this section shall exclude from the operation of section 2 of this act persons employed in the freezing and taking of fish.

These two provisions are contradictory.

Mr. BATES. That will be cleared up either by further action of the committee, or when the bill goes to conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. GREEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GREEN: Page 4, line 3, strike out "gum spirits of turpentine."

Mr. GREEN. Mr. Chairman, this amendment has not been explained. I would say to the gentleman from Massachusetts [Mr. BATES] that this amendment does for workers in turpentine what his amendment did for workers in the

fish industry. This will give the producers of gum spirits of turpentine, which has been declared to be a farm commodity, the same consideration that we have under the Norton amendment. It has by law been declared a farm commodity. You will do a grave injustice to the turpentine farmers of my district and State if you do not accept the amendment. You have accepted a similar amendment for the fish people, the amendment offered by the gentleman from Massachusetts.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield.

Mr. HOOK. Is it not a fact that the lowest paid workers in the United States are those in the turpentine industry?

Mr. GREEN. Not at all; we pay a fair wage.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. GREEN) there were—ayes 64, noes 111.

So the amendment was rejected.

Mr. BOILEAU. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU to the amendment offered by the gentlewoman from New Jersey [Mrs. NORTON].

The CHAIRMAN. Is the gentleman offering an amendment to the Norton amendment?

Mr. BOILEAU. Yes.

The CHAIRMAN. Such an amendment is not in order.

Mr. BOILEAU. Mr. Chairman, I make the point of order that the rules governing the procedure of the Committee of the Whole House on the state of the Union are prescribed by the House of Representatives. These rules provide that before a vote is taken on a substitute to an amendment, that perfecting amendments offered to the first amendment must be first disposed of. The amendment offered by the gentleman from Indiana [Mr. GRISWOLD] was offered as a substitute to the amendment offered by the gentlewoman from New Jersey [Mrs. NORTON]. My amendment is in the nature of a perfecting amendment to the Norton amendment.

The Committee of the Whole House on the state of the Union some time ago this afternoon, by unanimous consent, tried to change the rules prescribed by the House governing procedure in the Committee of the Whole, but that was not within the power of the Committee.

I make the point of order, therefore, Mr. Chairman, that my amendment is in order because it is a perfecting amendment to the first amendment.

I make the point of order we have a right to perfect the so-called Norton amendment before a vote is taken or before consideration is completed on the so-called Griswold amendment, which is a substitute for the other.

The CHAIRMAN. The Chair is prepared to rule.

Under ordinary circumstances the gentleman's statement is correct, but earlier this afternoon the Committee of the Whole House on the state of the Union, by its own action through unanimous consent, limited amendments to be offered to the Griswold amendment. It was within the gentleman's power at that time either to object or to have raised a point of order and not having done so the gentleman is estopped at this time from raising the question.

The Chair therefore rules that the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] is not in order at the present time.

Mr. BOILEAU. Mr. Chairman, I make the further point of order that the Committee of the Whole House on the state of the Union, even by unanimous consent, cannot change the rules as prescribed by the House of Representatives for the consideration of bills by the Committee of the Whole House on the state of the Union.

The CHAIRMAN. The Chair thinks the decision he has just announced covers this situation and overrules the point of order.

Mr. WOLCOTT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT to the Griswold substitute: Page 3, line 5, after the word "agriculture", strike out the period and insert "and the processing of agricultural products."

Mr. WOLCOTT. Mr. Chairman, this merely covers the processing of agricultural products. The processing of agricultural products is mainly seasonal. I have in mind particularly the bean and pea industry, with which those from the Midwest are acquainted. It is a seasonal business, and this applies particularly to the pickers, sorters, and the packers in the bean and pea industry.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Does that not also apply to a great deal of the fruit industry?

Mr. WOLCOTT. It applies to citrus fruit.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. WOLCOTT].

The question was taken; and on a division (demanded by Mr. WOLCOTT) there were—ayes 110, noes 112.

Mr. WOLCOTT. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. WOLCOTT and Mr. GRISWOLD to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 150, noes 94.

So the amendment was agreed to.

The CHAIRMAN. The question now recurs to the substitute amendment offered by the gentleman from Indiana [Mr. GRISWOLD] as amended.

The question was taken; and on a division (demanded by Mr. GRISWOLD and Mr. BOILEAU) there were—ayes 119, noes 158.

Mr. GRISWOLD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mrs. NORTON and Mr. GRISWOLD to act as tellers.

The Committee again divided; and the tellers reported there were ayes 131 and noes 162.

So the substitute amendment was rejected.

Mrs. NORTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee arose; and the Speaker having resumed the chair, Mr. MCCORMACK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration S. 2475, the wage-hour bill, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. GAVAGAN, for 1 day, on account of illness.

EXTENSION OF REMARKS

Mr. LAMNECK. Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD a substitute which I am going to offer to the Norton amendment tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The amendment referred to follows:

In lieu of the amendment offered by the gentlewoman from New Jersey, as amended, insert the following:

"SECTION 1. (a) The employment of workers under any substandard labor condition in occupations in commerce, or directly and substantially affecting commerce, shall be an unfair method of competition in commerce within the meaning of section 5 of the act entitled 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914.

"Such unfair methods of competition in commerce shall be in all respects and to the same extent subject to the provisions and to the operation of said act as though the same had been specifically denominated by section 5 of said act as written.

"(b) When used in this section the term 'substandard labor condition' means a condition of employment under which (1) any worker is employed at an oppressive wage, or (2) any worker is employed for an oppressive workweek, or (3) where oppressive child labor exists.

"In the determination of whether a wage is an oppressive wage there shall be taken into account the cost of living in the community in which the employment exists; those considerations by

which a court of law would be guided in a suit for the recovery of the value of services rendered at the request of the employer, where the compensation for such services had not been fixed by agreement between the parties; the wages established for work of like or comparable character in the same general locality by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and the wages for work of like or comparable character in the same general locality paid by employers maintaining minimum-wage standards.

"In determining whether a workweek is oppressive there shall be taken into account the relation of the work to the physical health, efficiency, and well-being of the worker; the number of workers available for employment in the occupation involved; and the hours of employment established for work of like or comparable character in the same general locality by collective labor agreements negotiated between employers and employees by representatives of their own choosing.

"There shall also be taken into account in arriving at either or both of such determinations, the contemporaneous financial condition of the employer and his record of earnings for the period of 5 years next preceding the determination, and such other considerations, general and particular, as may be relevant in the judgment of the Federal Trade Commission to the determination to be made.

"In neither of the above considerations shall any one of the considerations specified be governing, but weight shall be given to each to the end of securing for employees fair and reasonable compensation for services rendered and the most reasonable hours of work compatible with continuity of employment for the maximum numbers of workers and with due regard for the maintenance of fair and reasonable profits to employers.

"In determining whether employment of minors is oppressive child labor the employment of any individual under the age of 16 years, shall be deemed to be oppressive child labor, and the employment of any individual between the ages of 16 and 18 years in any occupation generally recognized as hazardous for the employment of children of such age or detrimental to their health and well-being shall be deemed to be oppressive child labor.

"SEC. 2. Compliance by an employer with the laws of any State, within which such employment exists, prescribing wage and/or hours and/or child-labor standards applicable to the work covered by such employment shall be prima facie evidence that the conditions of any such employment are not substandard within the meaning of section 2 hereof, in the respects covered by such State law or laws.

"SEC. 3. (a) Except as otherwise expressly provided herein, terms used in section 2 hereof shall have the same meaning as when used in Federal Trade Commission Act, approved September 26, 1914, and the application of this act shall be subject to the same exceptions as are expressly provided for in the case of the Federal Trade Commission Act by the terms thereof.

"(b) When used in section 2 or 3 hereof—

"(1) The term 'employment' does not include services in an executive, administrative, supervisory, or professional character or as an agricultural laborer;

"(2) The term 'State' shall include the District of Columbia and any Territory or possession of the United States, except the Philippine Islands;

"(3) The term 'wage and/or hours and/or child-labor standards' means provision for minimum wages and/or maximum hours of employment and/or prohibition or limitation of child labor in employment;

"(4) The term 'employer' or 'employers' includes an individual, partnership, association, corporation, joint-stock company, or any unincorporated organization; and

"(5) The term 'worker' or 'workers' shall mean any individual who is employed for hire in occupations specified in section 2 (a) hereof, subject, however, to the limitations imposed by subsection (b) (1) of this section 4, and subject further to the terms of such reasonable administrative regulations as the Federal Trade Commission may from time to time adopt limiting or modifying the operation of section 2 hereof in the case of learners, apprentices, handicapped workers, and in the case of overtime work, emergency work, continuous processes, and other situations requiring exceptional treatment in the judgment of the said Federal Trade Commission.

"SEC. 4. The Federal Trade Commission in the administration of this act shall from time to time adopt and enforce such regulations hereunder as may, after ascertainment of facts, be necessary in its judgment and calculated to carry into effect the purpose and intent hereof.

"SEC. 5. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby."

Mr. WHITE of Ohio. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD with reference to the Czechoslovakia trade proposal and include therein some facts and figures presented by the glass-workers' union.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT

Mrs. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 26 minutes p. m.) the House adjourned until tomorrow, Thursday, December 16, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Merchant Marine and Fisheries Committee will hold a public hearing on H. R. 8532, to amend the Merchant Marine Act, 1936, to further promote the merchant marine policy therein declared, and for other purposes, in room 219, House Office Building, on Tuesday, December 21, 1937, at 10 a. m.

COMMITTEE ON THE JUDICIARY

The Special Bankruptcy Subcommittee of the Committee on the Judiciary will hold a public hearing on the Frazier-Lemke bill (S. 2215) to amend section 75 of the Bankruptcy Act, in the Judiciary Committee room at 346, House Office Building, on Friday, December 17, 1937, at 10 a. m.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of Mr. CROSSER's subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Thursday, December 16, 1937. Business to be considered: Hearing on House Joint Resolution 389, distribution and sale of motor vehicles.

There will be a meeting of Mr. MALONEY's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, December 16, 1937. Business to be considered: Hearing on S. 1261, through-routes bill.

There will be a meeting of Mr. MARTIN's subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, January 4, 1938. Business to be considered: Hearing on sales-tax bills, H. R. 4722 and H. R. 4214.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, January 11, 1938. Business to be considered: Hearing on S. 69, train-lengths bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

892. A letter from the Administrator, Veterans' Administration, transmitting the draft of a bill to relieve disbursing officers and certifying officers of the Veterans' Administration from liability for payment where recovery of such payment is waived under existing laws administered by the Veterans' Administration; to the Committee on Expenditures in the Executive Departments.

893. A letter from the Secretary of the Interior, transmitting a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from public or tribal funds were made during the fiscal year ended June 30, 1937; to the Committee on Indian Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DICKSTEIN: A bill (H. R. 8711) to deny United States citizenship to persons who believe in any form of government other than that of the United States; to the Committee on Immigration and Naturalization.

By Mr. BACON: A bill (H. R. 8712) to amend certain provisions of the act entitled "An act to amend the Federal Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes," approved June 16, 1936, and to reduce the authorized appropriations to not to exceed $125,000,000 for public roads for each of the fiscal years 1940, 1941, and 1942; to the Committee on Roads.

By Mr. KENNEDY of Maryland: A bill (H. R. 8713) authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8714) authorizing the State of Maryland, by and through its State roads commission, or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Delaware: A bill (H. R. 8715) to authorize the Secretary of Commerce of the United States to grant and convey to the State of Delaware fee title to certain lands of the United States in Kent County, Del., for highway purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SHANLEY: A bill (H. R. 8716) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of the Colony of New Haven (New Haven Tercentenary); to the Committee on Coinage, Weights, and Measures.

By Mr. PATTERSON: A bill (H. R. 8717) to stimulate activity in the building trades and related industry, to relieve unemployment, and to improve housing conditions; to the Committee on Ways and Means.

By Mr. RAMSPECK: A bill (H. R. 8718) to amend the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936, and for other purposes; to the Committee on the Civil Service.

By Mr. GASQUE: A bill (H. R. 8729) granting pensions and increases of pensions to needy war veterans; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYLAN of New York: A bill (H. R. 8719) for the relief of August Walter; to the Committee on Naval Affairs.

By Mr. CROWTHER: A bill (H. R. 8720) for the relief of William John Engel; to the Committee on Naval Affairs.

Also, a bill (H. R. 8721) granting a pension to Anthony John Tomasello; to the Committee on Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 8722) granting a pension to Fred B. Tawes; to the Committee on Pensions.

By Mr. LYNDON JOHNSON: A bill (H. R. 8723) for the relief of Spencer D. Albright; to the Committee on Claims.

By Mr. JOHNSON of West Virginia: A bill (H. R. 8724) for the relief of E. W. Jones; to the Committee on Claims.

By Mr. FRED M. VINSON: A bill (H. R. 8725) granting a pension to Mary P. Payne; to the Committee on Pensions.

By Mr. PATTERSON: A bill (H. R. 8726) for the relief of Edith Jennings; to the Committee on Claims.

By Mr. TERRY: A bill (H. R. 8727) for the relief of Jessica J. Armour; to the Committee on Claims.

By Mr. WOLVERTON: A bill (H. R. 8728) for the relief of Samuel J. D. Marshall; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3615. By Mr. DELANEY: Petition of the Utility Workers' Union, Local 1212, New York, urging the enactment of the Black-Connery wage and hour bill; to the Committee on Labor.

3616. By Mr. ANDREWS: Telegram from the Buffalo branch of the Womens International League for Peace, urging immediate removal of United States boats from war zone; to the Committee on Foreign Affairs.

3617. By Mr. CURLEY: Petition of several employees of the Government, urging enactment of the 5-day-week legislation and of the Bigelow bill to provide for a Board of Civil-Service Appeal; to the Committee on the Civil Service.

3618. Also, petition of the Dry Dock Association of New York and New Jersey, protesting against the transfer of the work now being done by Corps of Engineers of the United States Army to any other branch of the Government; to the Committee on Rivers and Harbors.

3619. Also, petition of the United Federal Workers, urging enactment of the Bigelow bill to provide for the hearing and disposition of employee appeals from discriminatory treatment by superiors in the Federal service; to the Committee on the Civil Service.

3620. By Mr. COFFEE of Washington: Resolution of the Tacoma Sportsmen's Association, Inc., Tacoma, Wash., Leo Tonetti, secretary, pointing out that within the confines of Rainier National Park, Wash., is a privately owned area of 18½ acres, known as the Longmire Mineral Springs property; and further pointing out that if such property is sold to any person other than the Federal Government results are likely to ensue which would be detrimental to the public welfare, and further showing that there is grave danger of the establishment of cheap concessions, carnivals, and vaudeville performances within the peaceful wilds of this great natural paradise, and therefore urging that the United States Government should arrange for the purchase of this privately owned tract of land at once; to the Committee on the Public Lands.

3621. By Mr. LEAVY: Resolution of the Farmers' Education and Cooperative Union of America, Washington-Idaho division, reciting the opposition of that organization to House bill 8505, recently passed, and approving and endorsing the Massingale-Eicher bills, being House bills 8521 and 8522, and urging that this type of farm legislation be enacted as a practical and workable solution of the farm problem in America; to the Committee on Agriculture.

3622. By Mr. COFFEE of Washington: Resolution of the Box Shook and Veneer Workers' Union, Local 2605, of the Brotherhood of Carpenters, Puyallup, Wash., affiliated with the American Federation of Labor, setting forth that the National Labor Relations Act is one of the best pieces of legislation protecting the rights of workers, and that the act is labor's Magna Carta and is being attacked by enemies of labor, and therefore strongly urging opposition to all changes in the act which might curtail the operations of the law and stating that enemies of labor are attempting to undermine the law by offering amendments thereto; to the Committee on Labor.

3623. By Mr. JARRETT: Petition of the National Grange of the State of Pennsylvania, including Forest Grange, No. 853, opposing Senate bill 69, the train-length bill; to the Committee on Interstate and Foreign Commerce.

3624. Also, petition of F. O. Shawgo and others, of Grove City, Pa., and vicinity, asking repeal of Corporate Surplus Tax Act; to the Committee on Ways and Means.

3625. By Mr. LEAVY: Petition of 36 residents of the Spokane Valley, in the Fifth District of the State of Washington, urging Congress to give favorable consideration to the proposed Ludlow amendment, Joint Resolution No. 199, and thus permit the American people, who must ultimately bear the burden and the horror of armed conflict, to decide by ballot the question of a declaration of war; to the Committee on the Judiciary.

3626. By Mr. CITRON: Petition of the Hartford Police Post, No. 2849, Veterans of Foreign Wars of the United States, asking for an investigation of Nazi organizations in United States and semimilitary camps sponsored by German-American Bund; to the Committee on Immigration and Naturalization.

3627. By Mr. JARRETT: Petition of employees of the heavy-goods industry, Grove City, Pa., W. R. Crooks, and others, asking repeal of Corporate Surplus Tax Act; to the Committee on Ways and Means.

3628. By Mr. CITRON: Resolution adopted at the Department of Connecticut, American Legion, executive committee, at a meeting in Meriden, Conn., protesting un-American activities of German-American Bund and pro-Nazi organizations, financed by Nazi funds from Germany, and protesting

establishment of a semimilitary camp at Southbury, Conn.; to the Committee on Immigration and Naturalization.

3629. By Mr. KRAMER: Resolution of the Madera County Farm Bureau, pertaining to train-limit legislation, etc.; to the Committee on Interstate and Foreign Commerce.

3630. Also, resolution of the Merced County Farm Bureau, relative to House bill 8024; to the Committee on Interstate and Foreign Commerce.

3631. By Mr. DELANEY: Petition of the New York Clothing Cutters Union, urging the immediate passage of the Black-Connery wage and hour bill; to the Committee on Labor.

3632. Also, petition of the executive board of Local 802, American Federation of Musicians, New York City, endorsing the wage and hour bill and urging its passage during the present special session of Congress; to the Committee on Labor.

3633. By Mr. MEAD: Petition of the Associated School Boards of Niagara and Orleans Counties of New York State, urging continuation of Public Works Administration construction; to the Committee on Appropriations.

3634. By Mrs. ROGERS of Massachusetts: Petition of the Massachusetts Federation of Taxpayers Associations, urging that every effort be made to balance the Budget by a cessation of wasteful and extravagant expenditures; to the Committee on Appropriations.

3635. By Mr. BOYLAN of New York: Memorial of the New York Board of Trade, unanimously adopted by the members of the board at a meeting December 8, 1937; to the Committee on Appropriations.

3636. By Mr. FITZPATRICK: Petition of the Utility Workers' Union, Local 1212, of the United Electrical, Radio, and Machine Workers of America, urging the passage of the Black-Connery wage and hour bill; to the Committee on Labor.

3637. By Mr. THOMAS of New Jersey: Resolution adopted by the New Jersey Association of Real Estate Boards, Newark, N. J., at its twenty-first annual convention, protesting against the continuance of the present high tax rates on capital gains and undistributed surplus; to the Committee on Ways and Means.

3638. By Mr. KENNEY: Petition of Branch No. 3540, National Association of Letter Carriers, Teaneck, N. J., favoring the passage of House bill 8334, providing for salary increases for regular and substitute letter carriers, etc.; to the Committee on the Post Office and Post Roads.

3639. By Mr. ANDREWS: Petition of residents of Buffalo, N. Y., protesting against any levying of taxes which would increase cost of food; to the Committee on Ways and Means.

3640. By Mr. KENNEY: Petition of the New Jersey Association of Real Estate Boards, protesting against the surplus tax; to the Committee on Ways and Means.

SENATE

THURSDAY, DECEMBER 16, 1937

(Legislative day of Tuesday, November 16, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, December 15, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bankhead	Bridges	Burke
Andrews	Barkley	Brown, Mich.	Byrd
Ashurst	Bilbo	Brown, N. H.	Byrnes
Austin	Bone	Bulkley	Capper
Bailey	Borah	Bulow	Chavez
Connally	Hatch	McNary	Sheppard
Copeland	Hayden	Maloney	Shipstead
Davis	Herring	Miller	Smathers
Dieterich	Hitchcock	Minton	Smith
Donahey	Holt	Moore	Steiwer
Duffy	Johnson, Calif.	Murray	Thomas, Okla.
Ellender	Johnson, Colo.	Neely	Thomas, Utah
Frazier	King	Norris	Townsend
George	La Follette	O'Mahoney	Truman
Gerry	Lee	Overton	Tydings
Gibson	Lodge	Pepper	Vandenberg
Gillette	Logan	Pittman	Van Nuys
Glass	Lonergan	Pope	Wagner
Graves	Lundeen	Radcliffe	Walsh
Green	McAdoo	Reynolds	Wheeler
Guffey	McCarran	Russell	White
Hale	McGill	Schwartz	
Harrison	McKellar	Schwellenbach	

Mr. MINTON. I announce that the Senator from Delaware [Mr. HUGHES] is detained from the Senate because of illness.

The Senator from Arkansas [Mrs. CARAWAY] is detained on important public business.

The Senator from Tennessee [Mr. BERRY], the Senator from Missouri [Mr. CLARK], and the Senator from Illinois [Mr. LEWIS] are unavoidably detained.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

LIMITATION OF FUNDS FOR NATIONAL-PARK ROADS AND TRAILS, ETC.

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior transmitting a draft of proposed legislation to repeal certain authorizations of appropriations contained in the act approved June 16, 1936, amending the Federal Aid Highway Act, and for other purposes, which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram embodying a resolution of the executive committee of the Washington Savings and Loan League, Centralia, Wash., favoring certain amendments to pending housing legislation designed to promote the construction of homes and furnish employment to labor, as proposed in the program of the United States Building and Loan League, which was referred to the Committee on Banking and Currency.

Mr. COPELAND presented a resolution adopted by members of the New York and New Jersey Dry Dock Association, protesting against the enactment of legislation to transfer the work performed by the Corps of Engineers of the Army to another governmental department with civilian supervision, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Home Owners and Taxpayers Association, of Staten Island, N. Y., favoring the inclusion of low interest and low amortization rates in proposed housing legislation, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Dutchess County (N. Y.) League of Women Voters, protesting against the enactment of the bill (S. 3022) to amend the law relating to appointment of postmasters, which was ordered to lie on the table.

He also presented resolutions adopted by the twentieth annual meeting of the Columbia County (N. Y.) Farm Bureau Association, protesting against the enactment of pending wage and hour legislation, which were ordered to lie on the table.

He also presented a resolution adopted by Stockton Grange, No. 316, Patrons of Husbandry, Stockton, N. Y., protesting against the enactment of the so-called Black-Connery wage and hour bill, which was ordered to lie on the table.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Colorado:

A bill (S. 3143) for the relief of George O. Wills; to the Committee on Claims.